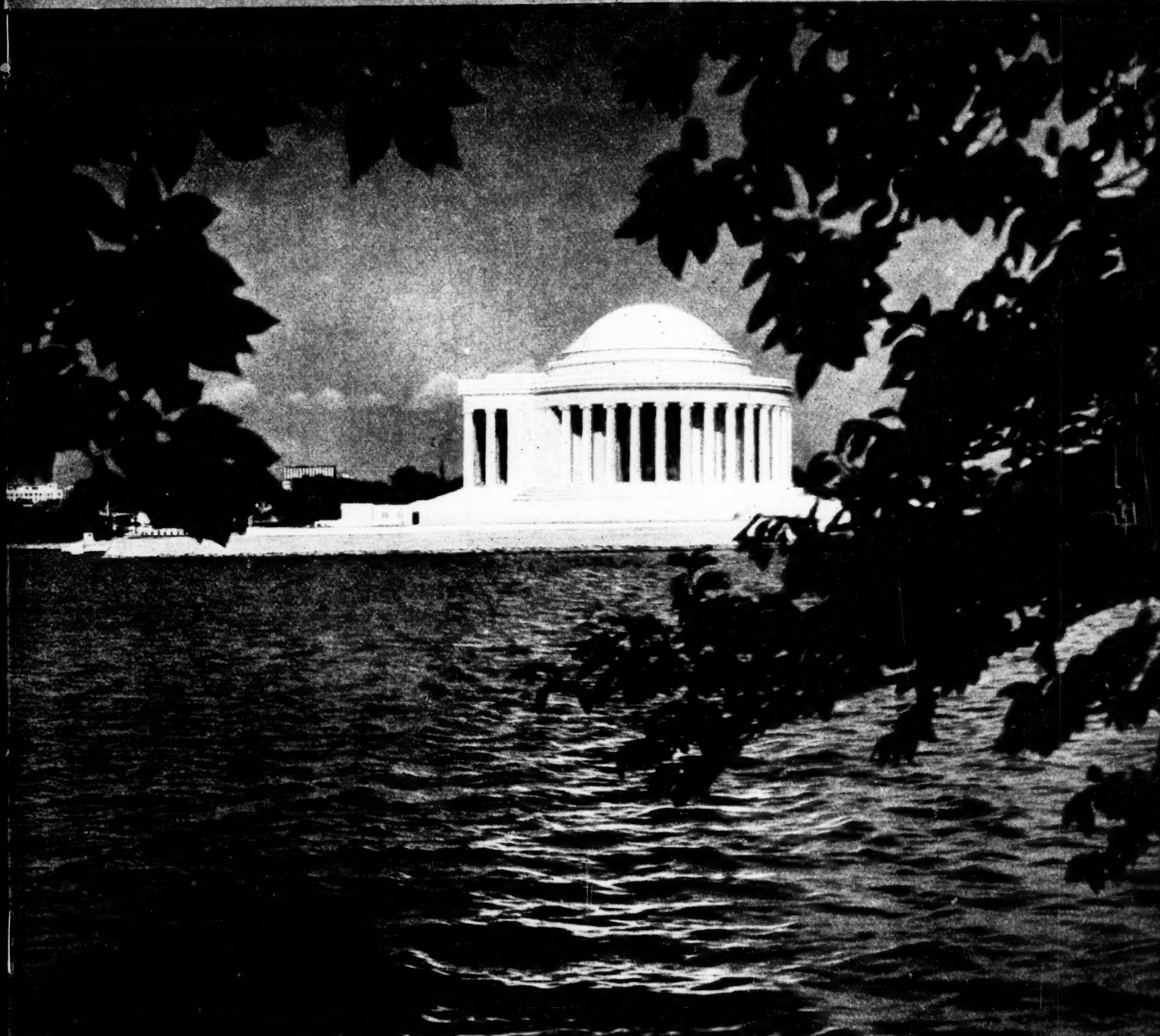




Founded 1886

# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



THE NEW MEMORIAL TO JEFFERSON IN THE NATION'S CAPITAL

**The Most Precious of Our Liberties—Religious Instruction  
on Schooldtime—A Creed for Americans—and Other**

15 CENTS A COPY

**Timely Articles**

WASHINGTON, D. C.

PHOTO BY HARRY GOODWIN, WASHINGTON, D.C.

# DECLARATION *of* PRINCIPLES

## Religious Liberty Association

1. We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.
2. We believe that the ten commandments are the law of God, and that they comprehend man's whole duty to God and man.
3. We believe that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.
4. We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.
5. We believe it is the right and should be the privilege, of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.
6. We believe that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.
7. We believe, therefore, that it is not within the province of civil government to legislate on religious questions.
8. We believe it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.
9. We believe in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.
10. We believe in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

For further information regarding the principles of this association, address the Religious Liberty Association, Takoma Park, Washington, D. C. (secretary, H. H. Votaw; associate, C. S. Longacre), or any of the affiliated organizations below:

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# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

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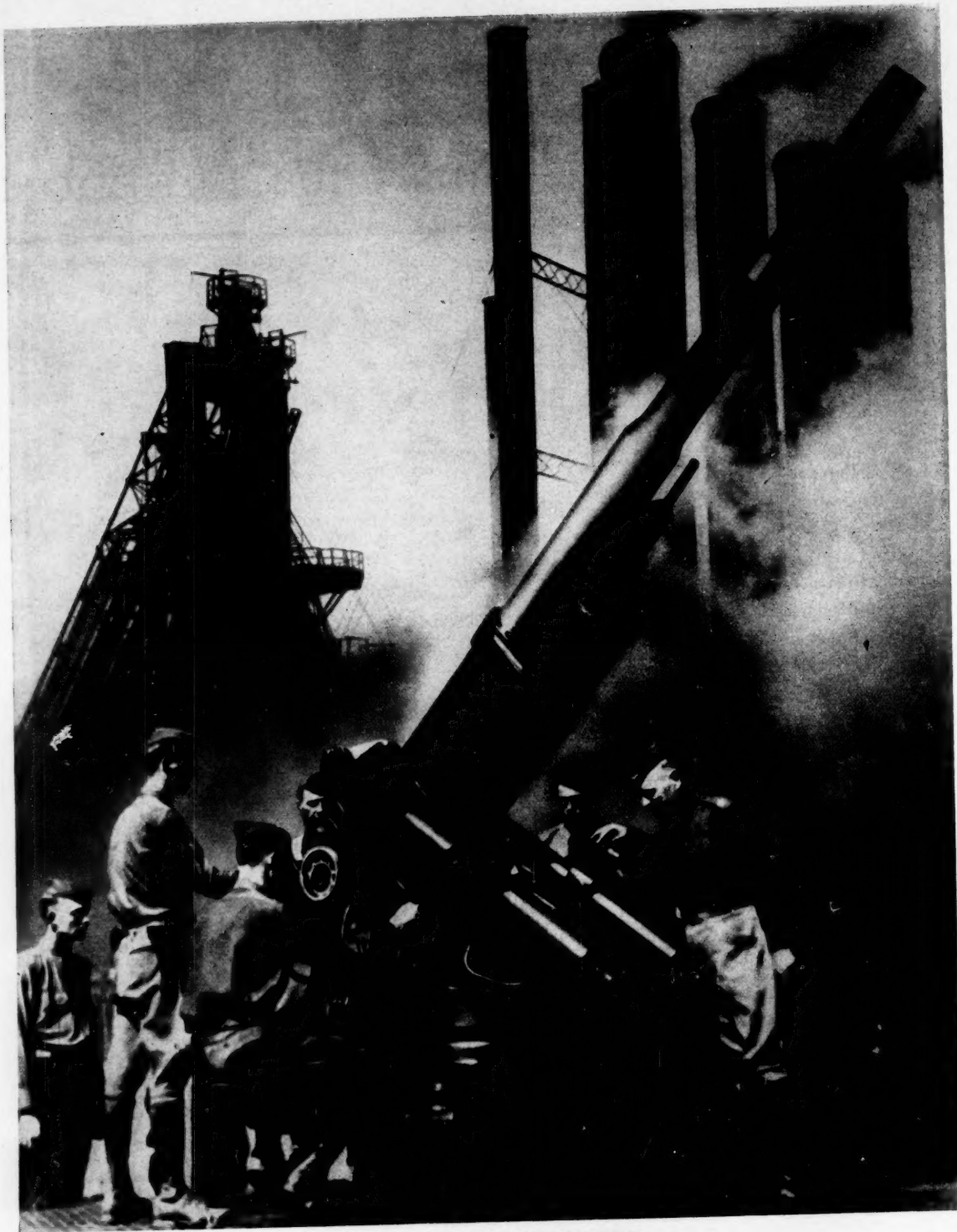


PHOTO FROM EWING GALLOWAY

### THE CONSTITUTION IN WARTIME

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence."

*An excerpt from an opinion of the Supreme Court of the United States rendered at the time of the Civil War*





Socrates, the Athenian Philosopher, Who Lived Several Centuries Before the Christian Era, Is Seen Instructing Alcibiades

FROM AN OLD PRINT

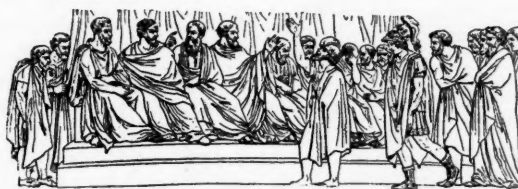
# The Most Precious of Our Liberties

by **DAVID SAVILLE MUZZEY, Ph. D.**

*Professor Emeritus of History, Columbia University*

**S**OCRATES, so we are told by his biographer, used to stop the young men of Athens in the street or gather them about him in the cobbler's shop or the gymnasium to question them on the values of life.

"I know where meat and bread can be bought," he said, "but where shall I find the market of virtue?" He asked for their definitions and probed them. What was the meaning of courage, of piety, of friendship? How did they define patriotism, honor, fidelity? By thus bringing down philosophy from heaven to earth, as Cicero said of him, he became the creator of systematic ethics and the fountainhead from which Plato and Aristotle and the "schools" of Stoics, Epicureans, and Skeptics drew their inspiration. To make men think for themselves instead of



Socrates Before His Judges

accepting popular shibboleths and slogans, and to criticize reverently but fearlessly even the most sanctified traditions of the Athenian state, was the mission to which he felt himself irresistibly com-

pelled by the *daimōn*, or inner voice, which guided his thought and action. For this he was condemned to death as a blasphemer and a rebel centuries before Christian martyrs suffered a like fate for their faith. He was the champion of the most precious of human liberties—a free conscience.

## Liberties Men Deem Most Precious

If some modern Socrates should take a poll of the institute of public opinion to discover which of our liberties we Americans deem most precious, he would

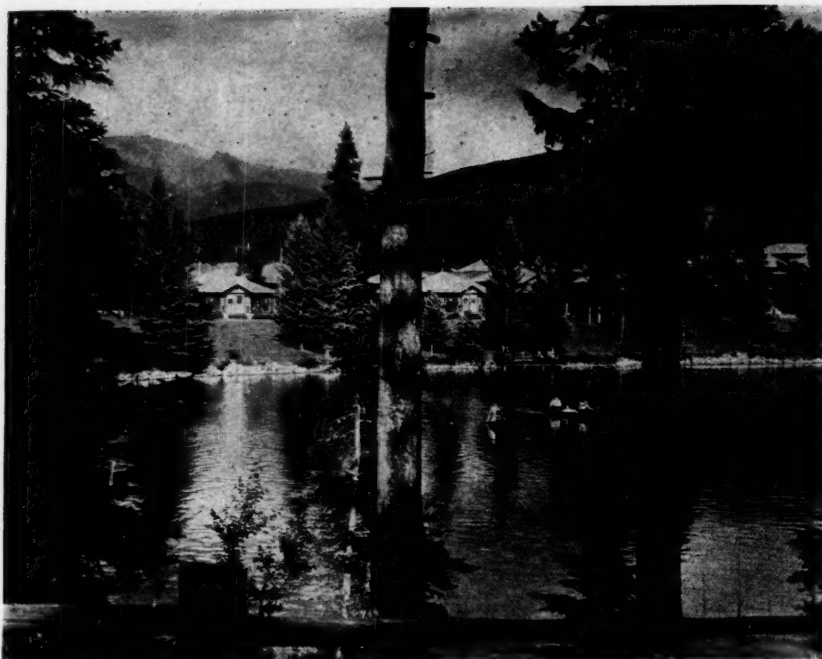


PHOTO BY CANADIAN NATIONAL RAILWAYS

This Peaceful Scene in Jasper Park, Alberta, Canada, Is Symbolic of That Restful Freedom Which the Peace-Loving Peoples of Earth Long for, but Which Is Denied to So Many in This Warring World

probably get a variety of answers. Some, perhaps, would cite our democratic form of government, in which the people are citizens and not subjects and the officials are the servants and not the masters of the people. Others might point to the Emersonian dictum that America is the land of opportunity, a land in which no king or noble or feudal class bars the way to the humblest man to rise to a position to which his initiative, industry, and talent entitle him. Still others would undoubtedly give the first place to the specific guaranties of personal liberty embodied in the Bills of Rights of the Federal and the State constitutions: freedom of worship, of speech, of the press, habeas corpus, trial by jury, and the like. Probably few would put liberty of conscience at the top of the list; yet I believe that it is by far the most precious of our liberties. Why? Because religion is the deepest concern of man, and the need that the springs of conviction from which it comes be not poisoned by coercion of any sort, is imperative.

It is but a meager and superficial conception of religious liberty to regard it as merely the right of every person to choose whether he will attend mass or celebrate Rosh Hashanah or listen on Sunday to a Methodist preacher. These, in so far as they are not simply routine habits, are only the outward and visible forms of an inward conviction. When Gilbert Chesterton remarked that the most important thing to know about a man is his religion, he did not mean that it was important to know whether he was an

Episcopalian, a Roman Catholic, an Orthodox Jew, or a Seventh Day Baptist, but rather whether or not he was guided and sustained in all his thought and action by the sense of responsibility to make his life conform to the ideal which he glimpses in the moments of his highest inspiration.

Any attempt to thwart the expression of this spiritual urge by coercion, persecution, or regimentation (*Gleichschaltung*), is an attack on the very citadel of the sacred personality of the individual. "If you touch him in the Indies," said the old English geographer Hakluyt of King Philip of Spain, "you touch him in the apple of his eye." To invade a man's freedom of con-

science, as despots in some lands are doing today, is to touch him in the apple of his eye. For without this precious freedom the life of a human being would be scarcely more valuable than that of an animal, and the despairing Hobbesian definition of life in "a state of nature" would apply. Man would "reel back into the beast." Macbeth's nihilistic outburst would ring down the curtain on human progress:

"Out, out, brief candle!

Life's but a walking shadow; a poor player  
That struts and frets his hour upon the stage,  
And then is heard no more: it is a tale  
Told by an idiot, full of sound and fury,  
Signifying nothing."

For what else has been the source of every advance that man has made, but the urge to vindicate a spiritual dignity which he felt as his birthright? On this has been based his long struggle for political freedom. It was no cold, abstract calculation of spheres and limits of power that led the liberators in past centuries to stand against tyrants, but the conviction of a sacredness in man's personality which must and should not be violated.

The amount of ship money levied by James I or a threepenny tax on tea assessed on the American colonies was of small consequence; the important thing was that an assault was made on the citadel which guarded the most precious of man's liberties,

his sense of dignity as a free agent. James I, called "the wisest fool in Christendom," saw the consequences to his despotic regime of the tolerance of religious liberty. "No bishop, no king!" he cried. Let every Tom, Dick, and Harry decide for himself what form of worship he should follow (if any), and how long would it be before he would assume to decide what form of government he would support? Such has been, under various aspects and in various ages, the evolution of democratic government.

### The Source of All Freedoms

Spiritual freedom has been the matrix and not the offspring of political freedom. The same is true of such economic freedom as we have attained. Its source has been, and still is, the conviction of a sacredness of personality which rebels at man's being used as a tool. "Human values before property values" is the slogan of the economic reformer. Why? Because "a man's a man for a' that," and it is a denial of the fundamental worth of the oppressor as well as the oppressed to use a man, even a black slave, as a machine or a beast of burden. The chain which binds the slave, as Emerson truly remarked, binds the slaveowner at the other end. For all the talk of tariffs, State rights, constitutional interpretation, and the like, drawn as red herrings across the trail, the real cause of the tragedy which bathed our country in blood for four years of civil war, was the violation of human personality, the refusal to recognize that the freedom of the spirit imperiously demanded the freedom of the body.

The writer of the Epistle to the Hebrews presents us with a long list of worthies who "through faith subdued kingdoms, wrought righteousness, obtained promises." And we, too, in America are "compassed about with so great a cloud of witnesses" to the faith in the power of the conviction of conscience to endure any trial or hardship that could be imposed by the vicissitudes of fortune or the designs of men. We, too, could compose our honor roll of heroes of the freedom of conscience, who "died in the faith, not having received the promises, but having seen them afar off."

### Faith of the Pioneers

By faith Roger Williams, the pioneer of religious liberty, went out, an exile, into the snows of a bitter New England winter to escape the coercive orthodoxy of the Massachusetts magistrates and seek a home where conscience was free. By faith Peter Zenger vindicated the right of the colonial press to criticize the policies of the royal governor of New York in the name of the indefeasible privilege of freedom to express their convictions. By faith George Washington renounced the comforts of Mount Vernon for

SECOND QUARTER

the hardships of Valley Forge, counting the sacrifices of a long and often apparently hopeless war as nothing when weighed in the scales against freedom. By faith Abraham Lincoln bore the burden of a bitter struggle, assailed by calumny, ridicule, defeatism, and darkness, staunchly faithful to his "oath registered in heaven" to preserve a nation united and free.

Deep down beneath all political, economic, and social struggles for reform and progress has lain this unconquerable conviction of the inviolable dignity of the human soul. For it martyrs have faced lions in the arena and gone cheerfully to the execution block and the stake. And the faith that has sustained them has been, and will be in the face of every kind of persecution which seeks to enslave their spirit, the vision of a human society free to those commands of conscience which alone differentiate man from the beast and raise him to a station but "a little lower than the angels."

But will not the rationalist, impatient of anything that looks like mysticism, contend that it has been the intellect rather than the conscience which has been responsible for human progress? Far from disparaging the role of reason which has clarified thought, abolished superstitions, created science, discovered inventions, and generally built up that mass of material well-being which Professor Sorokin has described as our "sensate civilization," it still remains true that the intellect is a tool which is employed at

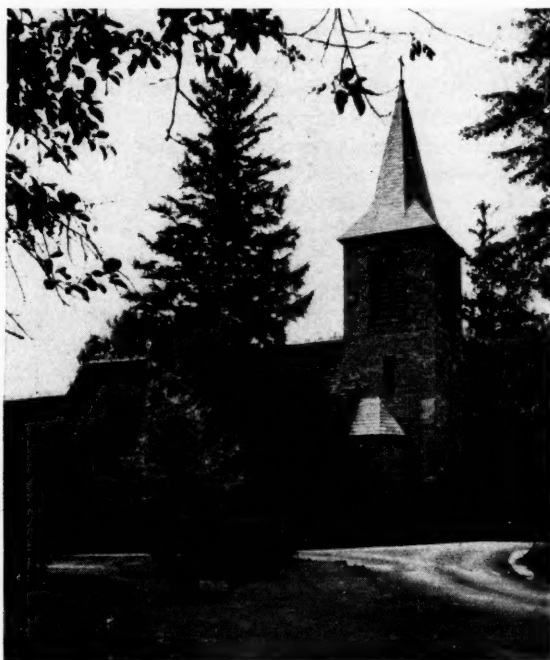


PHOTO BY H. M. LAMBERT

Man's Freedom of Conscience Is Sacred. To Attend the Church of His Choice or Not to Attend Any Church, to Worship God or Not to Worship Him; This Is a Right of Man That Is Inalienable



the behest and in the service of a directive purpose. We are seeing today to what base uses that tool may be employed: its rationalizations to justify persecution and glorify crime; its cleverness and inventive genius to perfect engines of destruction.

### Reason Alone Insufficient

Is it a Doctor Jekyll or a Mr. Hyde who is using the tool of the intellect? Is the freedom of the intellect the most precious of our freedoms when it can be employed for the assassination as well as for the preservation of civilization? Freedom of conscience, true religious freedom, is above this distressing dichotomy. It is "enthroned in the hearts of men," out of which proceed the issues of life. We have ample proof that reason alone is not sufficient to ensure liberty. Tyrants, too, can reason, and the answer to their arguments can be found only in the resistance of conscientious men, who set conviction above any consideration of expediency or safety.

Whether that conviction expresses itself in adherence to any form of religious worship or creed is of minor import. Deists like Thomas Paine have felt it, as well as men like Thomas Jefferson and Lincoln and priests like Father Damien. However far apart in theological opinions, these champions of the freedom of the spirit have been united in the bonds of true religious fellowship. For they have recognized that every freedom that man enjoys as a citizen, a workman, a writer, or a preacher, is the result of the long struggle for the vindication of the dignity of human personality.

### True Meaning of Personality

The word "personality" has been sadly vulgarized. It is commonly used to denote some charm of manner or originality of wit. Women wear "personality" jewelry. "Personality perfume" is sold in the

department stores. As if one could acquire personality by cultivating mannerisms or putting scent on a handkerchief. Personality and individuality are not synonyms. Personality means an individuality permeated with a purpose which integrates character. It is no accident that the words which denote spiritual perfection ("holiness," "heil") are variants of the terms which define integration ("wholeness," "health"). Our task, therefore, is to make the individual into a personality, and in that process the preservation of freedom of conscience is the indispensable element.

Consider how every form of coercion, whether it be political tyranny, economic oppression, educational regimentation, or social ostracism, stems from a violation of personality; and how, on the other hand, every enjoyment of freedom results from the respect of personality. Man retreats into that stronghold whenever spiritual enslavement threatens, and maintains it even to death. In the last analysis it is for nothing less that the liberators of the race have bequeathed their heritage to mankind. They have obeyed *daimōn* within, in the consciousness that unless this "stern daughter of the voice of God" were heeded, all that gives coherence and meaning to life would be sacrificed and man would be cast rudderless on a sea of conflicting currents and buffeting storms. He would have no power to resist the sophist who makes the worse cause appear the better, and no courage to withstand the tyrant who makes force the ultima ratio. But true to conviction that his destiny lies in the fulfillment of the divine potentialities of his nature, or, in the Biblical language, that he is created in the image of God, he is fortified with a faith which no assault can shake. His personality is integrated. His freedom is attained. Thus the most precious of our liberties, the fount and origin of them all, is religious liberty.

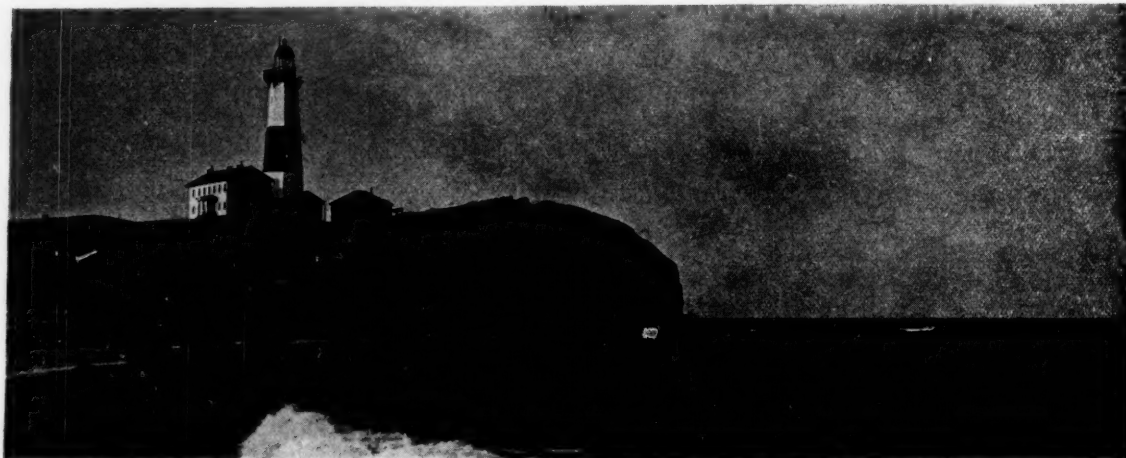


PHOTO BY EWING GALLOWAY, N.Y.

As Beams From a Lighthouse Are Welcomed by the Weary Mariner, so the Rays of Light Emanating From Lands Where Freedom Is Found Inspire Hope Within the Hearts of the Downtrodden Peoples of This Troubled World

# Where Separation Is Alliance

by **C. B. GOHDES, LITT. D.**

*Professor of History, Capital University, Columbus, Ohio*

[In our first quarter's issue Doctor Gohdes wrote under the heading, "Where Separation Is Alliance." This same title seems fitting for this contribution.—  
EDITORS.]

**A**LL MEN imbued with the American spirit stand by the Bill of Rights as an integral part of our Federal Constitution. One of its provisions, the separation of church and state, has been deemed of such importance also by the several States as to have been raised to the dignity of organic law by each one of them. As has been shown in a previous article, legal and formal separation between church and state in reality implies an alliance. The church fulfills its duty by the state best when it is aloof from political direction and above it, and when the state spurns the position of the church's servitor. Nevertheless, the designation of separation as an alliance appears at first blush so preposterous that a further exposition is required by way of elucidation.

## Correct Appraisal of Church Needed

In determining the proper relation between church and state, a just and correct appraisal of the church is needed. And that is impossible for those who are not partakers of its life. If any institution is damned by faint praise, it is the church, as a quite cursory survey of sociological teaching on the subject is sufficient to show. There are those who hold that, while the fetish itself is admitted to be powerless, distinct survival value must be ascribed to the faith in it, in that the effort of the fetishist is raised to greater power by his belief that it is reinforced by a greater intelligence. Analogous, certain sociologists hold, is the effect of the Christian faith. Whereas the tenets on which it is based are, to them, no more factual than those of more primitive religions, the inference would not, therefore, be justified that the faith as such is important. It rather is said to possess distinct survival value, in that it conforms to the general religious pattern by enhancing personal effort through belief in its reinforcement by divine aid. A similar analysis of a cathedral would, no doubt, find a satisfactory explanation in terms of its material components: so much stone, metal, glass, wood, etc.

Even so it must be acknowledged that the investi-

gation of the church and its life is confronted by challenging problems. The church, as we see it, is not an integral unit, but a group of organizations ranging from dead conservatism to liberalism so radical as to call in question the very revelation containing its credentials and the record of its origin. The history of the church has been marred by persecution, by the overweening ambition of its officials, by conformity to low standards, which to combat is an outstanding purpose of its commission. Nevertheless, from this welter of contradictions there stands out in bold relief a momentous phenomenon: character clad in lofty spiritual beauty and equipped with power so utterly alien to selfish motives, so completely at variance with much of the prevailing environment, as to justify the conclusion of those who partake of its life that the church's divine credentials are not spurious but authentic.

## The Revelation of Jesus Christ

The fundamental truth on which the church is based is that Jesus Christ is the disclosure to the soul's vision in faith of the great God whom we sense in nature as Creator, in history as justice, as beauty in art, as love in human relations at their best, as Redeemer in Holy Writ and the experience of the church. The life that pervades the church in varying degrees of strength and moral beauty evinces the spiritual affinity of those who share it to the Christ, who, by His appearance, reversed the movement of a world staggering to its doom, and who is the only power able to do so now that the very nations which owe their greatness largely to Him, signalize their oblivion of Him by mutual destruction.

It would be a mistake, therefore, to bracket the church with the many organizations founded to satisfy the one or the other of the myriad wants arising out of the growing complexity of life. Where true to its message and mission, the church is the realization of the age-long dream of human brotherhood, the sanctuary in which the human soul holds tryst with God, the projection into time and under the limitations of time of the eternal world. The great moral truths to the spread of which the church is committed have been lauded, in part even shared, by other organizations; but the church is the powerhouse whence proceeds the dynamic for their flowering and fruiting

in beauty and strength. The church thus becomes a powerful, indispensable, irreplaceable asset of the family as well as of the state, furnishing the potential energy for their perpetual renewal. Marred though it be here and there by selfishness, incompetence, and sin, as well as by the weakness inherent in all human effort, the church is, nevertheless, the whitest thing on earth, the blossom of time, and the promise of eternity.

### Respective Spheres and Powers of Church and State

Rightly understood, with the state as the institute of rights, with force as ultimate means to accomplish its ends; the church as institute of humanity, with the power of love as sole means to bridge the chasms that sever the human race into fragments, there could be nothing more illogical than a union between them. Their respective spheres and powers are essentially different. Let the state become the police department of the church, and the latter will substitute temporal aims for the one purposed by its divine Founder—the transfiguring of humanity into harmony and beauty. Let the church become a department of state, and its moral influence will be warped into subservience to ends alien to its message and mission. The rallying cry, “Thus saith the Lord,” will then become silent upon the earth.

From these premises the conclusion might be drawn that separation of church and state would express itself ideally in mutual aloofness, the one ignoring the other. On the contrary, where each functions true to character, help will be rendered by the one to the other in attaining its distinctive ends. The members of the church are at the same time citizens of the state, toward which they can perform their duties on a lofty plane by reason of their spiritual empowerment. The laws of the state determine the property rights of the church. The state may properly demand as a health measure that every workingman be given twenty-four consecutive hours of rest in each seven days. But the state has no right to specify which day of the seven shall be

observed as holy time by any group of its citizens. The worship of the church is safeguarded from interruption by the guardians of public order. The state can properly enact certain social legislation the vitalizing impulses for which were received from the church.

The requital of the church is no less spontaneous and beneficial. The citizenry and its leaders are all the better fitted for the performance of their duty by a sense of responsibility to God. By feeding this sense of responsibility, the church becomes a chief pillar of society. The church acts as a moral force also when it makes the departure from righteous standards in the case of public measures, and men, the subject of criticism. God’s heralds are not intended to be dumb dogs. The General Assembly of the Scottish Church stated one reason for its existence when it claimed the right “to treat in an ecclesiastical way of greatest and smallest affairs, from the king’s throne, that it should be established in righteousness, to the merchant’s balance, that it should be used in faithfulness.”

### The Voice of the Church

Nor do these services exhaust the church’s power to contribute to the public welfare, though it must be admitted that, in some of them, it has betrayed a backwardness close to perfidy. The voice of the church should be heard when international relations are envenomed by wrong. The conflict of parties, an inevitable concomitant of the democratic process, would be far more severe but for the church’s attitude in urging the substitution of respect for honest opinion for factional rancor. In no sphere is the mediatorial (not arbitral) office of the church more urgently called for than in the antagonism of social classes. Siding neither with the poor nor with the rich, the church has a message for both: to the rich to remember the corruptive trend of wealth not consecrated to the social welfare; to the poor to grasp the compensating and elevating blessings of divine grace, which have the promise of the present life and of that which is to come.

Avoiding the sphere of temporal government, but plying with divine energy its proper task of reconciling the sin-severed fragments of humanity with God and each other, the church becomes a pillar of government and a dynamic for every legitimate activity. Silence the voice of the church, thrust aside its grasp upon the public conscience, and someday the price of real estate may tumble to the Sodom level, and Lazarus, instead of lying still at the rich man’s gate, skeptical of the hygienic adequacy of an outdoor life and the power of canine tongues effectually to remedy his disease, will throw the rich man out of the window.

### Our Form of Government

We have had emergencies in the past. We have had more than one hour of peril. The Constitution has been sufficient and efficient in all instances. And now, of all times, we should show our faith in, our devotion to, our form of government.  
—William E. Borah.



# The Strange Jehovahs

by **EDGAR W. WAYBRIGHT**

Senior Attorney at Law

[Mr. Waybright is the senior member of the law firm of Waybright and Waybright of Jacksonville, Florida. Of himself he says that he was born in the United States from ancestry which has been on American soil since before the Revolution. He is a member of the Florida State Bar Association, charter member of the American Legion, a Baptist, and a Democrat.—Editors.]

**W**HO ARE THESE STRANGE people called Jehovah's Witnesses about which we see so much in the public press? They meet with strong opposition in many countries and endure severe penalties for their faith, even unto death. They refuse to salute the flag of the United States, and in this land of freedom and liberty they are sent to prison, their children are taken from them, and sometimes mobs beat them.

The stories are at least reminiscent of the accounts in the Bible—and in early church history—Daniel and the lions' den, the trial of Paul before Agrippa, the stoning of Stephen, and the Roman arena with its sacrifice of early Christians. But who are these strange people who walk out into the arena of the twentieth century from the covers of a book which we acknowledge as the word of God, but otherwise mostly ignore as far as its teachings are concerned?

## I Am Not One

I am a Baptist, a charter member of the American Legion, a veteran of the first World War, and I can tell you that these strange people are not strange at all. They are only a people who desire to take their religion straight. Believing as they do, and as we say that we do, that the Bible is the word of God, and that God is the supreme ruler of the universe, they obey its edicts as being the supreme law of the land.

In the twentieth chapter of Exodus it is written: "God spake all these words, saying, . . . Thou shalt not make unto thee any graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth. Thou shalt not bow down thyself to them, nor serve them."

This is one of the ten commandments, and in all of our Protestant churches the children are taught to commit these to memory, and that they constitute a part of the law of God, the supreme law which all Christians should obey.

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To most Christians this command, given to a people who were just emerging from polytheism to monotheism, was a command to cease that sort of idolatry, the worship of many gods, and confine their worship to the one and only true God, whom they called Jehovah.

Of course, no one today worships a flag in the sense of a god, and if we interpret this command in the historical sense of the time, place, and purpose for which it was given, the idea of the salute to the flag constituting a form of worship of it as a god in competition to Jehovah, seems absurd.

## Right to Be a Fool

However, we are concerned here only with that which makes the United States of America different from those nations whose system of government we detest; namely, the right of every citizen to life, liberty, and the pursuit of happiness. The United States of America was founded upon the right of a person to be wrong. The inalienable right to be a fool is an important and sacred right, and we all know that the foolishness of today often becomes the wisdom of tomorrow.

This truth fell with such force on the founders of the American Republic that they wrote into the Bill of Rights of the Federal Constitution the words, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," and later, by the Fourteenth Amendment, the Federal Government forbade the States from doing what Congress was here forbidden to do, and all forty-eight States put similar provisions in their State constitutions.

The fact that no government shall interfere with the religion, or lack thereof, of any man, is so well grounded in the American way of life, that no one would dispute it *in theory*. Thomas Jefferson wrote in the Declaration of Independence, "We hold these truths to be self-evident, that all men are . . . endowed by their Creator with certain unalienable rights," which can only mean that certain rights are above

the right of any government to take away from any person. The Creator, Jehovah, stands above and supreme over government.

The oath willingly taken by Jehovah's Witnesses is as follows:

"I have pledged my unqualified allegiance and devotion to Jehovah, the Almighty God, and His kingdom, for which Jesus commands all Christians to pray.

"I respect the flag of the United States and acknowledge it as a symbol of freedom and justice to all.

"I pledge allegiance and obedience to all laws of the United States that are consistent with God's law, as set forth in the Bible."

This certainly is a pledge of loyalty to which no Christian and no scholar who believe in the American way of life could object.

### Limitations

Obviously, there must be some limitation upon the power of a person to do things and claim that he has a right to do them because it is a part of his religion, and such limitation is found in the fact that it is no defense to the commission of any crime, denounced by a valid and constitutional law, that it was done in obedience to some supposed command of God. This is a sufficient limitation on the misuse of religion, and no one disputes its advisability and necessity, but in the circulation of their literature, in their going from house to house to teach their views, in their refusal to salute the flag, Jehovah's Witnesses violate no law. The Supreme Court of the United States, in at least six cases, has said that any law or ordinance which attempts to prohibit the teaching by word of mouth or in writing that it is not proper to salute the flag is invalid.

It is now settled law that school boards can legally deny children the right to attend the public schools if they do not salute the flag, but neither the parents can be convicted for failure, under such circumstances, to send them to school, nor can the children be punished as delinquent children if they fail to salute the flag.

The law is set forth in *Cantwell vs. Connecticut*, 310 U. S. 296; *Lovell vs. City of Griffin*, 303 U. S.

444; *Schneider vs. Town of Irvington*, 308 U. S. 147; *State vs. Roland Lefebore et al.*, 20 Atl. (2nd) 185; In the matter of *Anson Reed*, 28 N. Y. S. (2nd) 92, and *People vs. Sandstrom*, 18 N. E. (2nd) 840.

In two cases which I carried to the Supreme Court of Florida State ex rel.; *Wilson vs. Russell*, 1 So. (2nd) 569, the Florida Supreme Court struck down an ordinance which sought as a war measure to prohibit such teaching, and in *Jolly vs. Jolly*, 3 So. (2nd) 510, reversed the circuit court for taking the children from the mother and giving them to their divorced father, because she had taught them not to salute the flag, and they had upon that account been expelled from the public schools.

### Spasm of Patriotism

Although the Supreme Court of the United States has so often decided that every law and ordinance which seeks to prohibit, tax, or license the circulation of literature published by Jehovah's Witnesses, whether sold or given away, is invalid under the Fourteenth Amendment to the Federal Constitution, and the Federal Bureau of Investigation, the United States Department of Justice, and United States Attorney General Biddle have pronounced the Jehovah's Witnesses loyal American citizens and urged the protection of their civil liberties, every so often a community shoots off in a spasm of hysterical and misguided patriotism, arresting these people on a variety of charges, because they will not salute the American flag.

It is to the credit of the American system of government and the Bill of Rights that the higher courts have almost invariably upheld the Witnesses, and protected the freedom of religion vouchsafed by our fathers, but municipal judges and justices of the peace still feel that, contrary to the desires of the Federal authorities and the decisions of the highest courts, they must uphold the nation by persecuting, under the form of law, those who will not salute the flag.

Section 20 of the U. S. Federal Code (Title 18, Sections 51 and 52 U. S. C. A.) makes it a felony for anyone, under color of any law or ordinance, to deprive any citizen of his constitutional rights and privileges, and it would not be surprising if Uncle

(Continued on page 23)



Justice, like lightning, ever should appear  
To few men's ruin, but to all men's fear.

—Swetnam.

# The "New Constitutionalism" in America

by **E. F. ALBERTSWORTH, PH. D., S. J. D.**

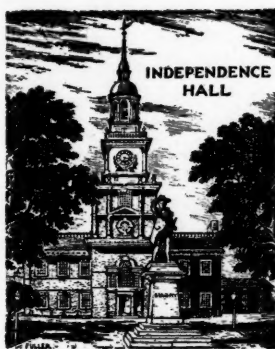
*Professor of Constitutional and Industrial Law, Northwestern University,  
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This is the first of two articles on the present popular attitude and trend with respect to the enlarged functions of government in the economic field. It also deals with decisions by the Supreme Court of the United States which streamline the Constitutional structure. This popular attitude and the decisions have implications for religious liberty.

**W**ITHIN THE LAST TEN YEARS, the Supreme Court of the United States has overruled and repudiated its older precedents oftener than in the entire prior history of the nation.<sup>1</sup> This is only in part due to the fact of a new majority personnel upon the Court. These juridical events have occurred largely in the fields of political control of economic life and the increased imposition of taxation in the interests of enlarged governmental budgets. Through its interpretative decisions, the Supreme Court really makes and changes the Constitution as though it were a quasi-constitutional convention continuously in session. The provisions of the formal Constitution, being broad and of general phraseology, receive meaning only in being construed and applied by the Court to actual situations as presented in legislation.

If it be asked what is "an establishment of religion" which the First Amendment interdicts; what is the meaning of "due process" of law with which the acts of both Federal and State governments must comply; what is "interstate commerce" that falls within the purview of the Federal Government's power of regulation, the answer must be: the formal Constitution itself nowhere defines these and other terms. As a consequence, then, they must be judicially interpreted, construed, and applied as situations present themselves in legislation subject to the supervisory scrutiny of the Supreme Court. Contrary to popular belief, the written Constitution is not a "Rock of Gibraltar" of fixed and precise controls of government in its relation to persons in the body politic; it is a flexible and adjustable organism of government. The recently repudiated decisions by the Court indicate this truism—at least in the

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The Two Treasured Documents That Were Framed in This Historic Building Have Been Hidden by the Government in a Place of Security "for the Duration" but the God-Given Rights They Contain Must Be Kept Alive and Operative Even in These Times of Stress and War

economic realm. In what respect, if any, is the cause of religious liberty likely to be affected by these developments in constitutional jurisprudence?

To understand the significance of the silent revolution that has been going on in Supreme Court interpretations of certain phases of the organic law, one must probe into the social forces and popular attitudes of the present era in America. Any judicial decision of so important a tribunal as the Supreme Court has its roots in the soil of the time and place from which it sprang, and it retains its virility and blossoms into full bloom only as long as the conditions

that created it remain the same.

The decade of economic depression of 1930 to 1940 in the United States caused millions of Americans to turn to government, and especially the Federal Government, with its apparent inexhaustible resources, for financial and economic security. In an era of economic maladjustment, private capitalism as a way of life, temporarily or permanently, was believed by many to be inadequate to solve the problems. State capitalism, with governmental subsidies to private enterprise and public agencies, governmental entry into business itself, and governmental pensions and doles, came into being. A vast number of Americans preferred economic security *through* government rather than individual liberty *against* government.<sup>2</sup> This was identical with the feudalism of the Middle

<sup>1</sup>I collected these decisions and explored the trend in constitutional jurisprudence in my discussion entitled, "The Constitution—Revised Version" (1939), 26 American Bar Journal, 324.

<sup>2</sup>This phase was more fully considered by me in "Capital Insecurity Under the Constitution" (1939), 27 Georgetown University Law Journal, 261.



Ages. An authoritarian state in the economic and political realm has resulted.

Thus far, a totalitarian state—in the sense of suppression of opposing political beliefs—has not emerged in the United States, although conceivably, remembering developments in Europe, it may emerge. The implications may become quite serious for religious liberty in the event these present trends become more accentuated and widespread in America. Is invocation of constitutional protection as sure a reliance as formerly?

### A "New Constitutionalism" Appears

To justify constitutionally the trend in American life toward a more powerful and centralized government in the interest of economic security through government, a so-called "New Constitutionalism" has become the accepted philosophy among numerous legislators, judges, lawyers, and publicists in the United States. In my lectures before the Law Institutes of the University of Santa Clara, in 1940<sup>3</sup> and again in 1941,<sup>4</sup> I first employed this term "New Constitutionalism" as descriptive of the present trend in American constitutional jurisprudence. Some American jurists hold the view that, in the rendition by the Supreme Court of certain decisions in the economic sphere repudiating older precedents, the older Constitutionalism as a whole is destroyed, and that we are now adrift upon uncharted seas of governmental action without any guiding or controlling compass.

On the other hand, other legists assert the opinion that such decisions are but reversions to older and more correct constitutional principles of government which had been abandoned in the course of interpretation by the Supreme Court. In my judgment, these differences are superficial, relating to form and not to substance, and pertaining largely to phraseology. For the essential fact, conceded by all jurists conversant with the problems, is that today in America we are witnessing the formulation and application in economic and political fields of a Constitutionalism different from that heretofore practiced in the United States. Viewing the enlarged functions and activities of government, I think this must be admitted. And especially is this true in that a new majority personnel sits upon the Supreme Court, whose interpretative attitudes may not reflect those of their judicial predecessors. Whether such attitudes will take a similar "revolutionary" approach to the Bill of Rights is another and different inquiry.

But there is still another and most important factor that makes for this newer type of Constitutionalism,



United States Supreme Court Building

and this is that the interest of the vast number of Americans is not in matters constitutional at all,<sup>5</sup> and certainly not in the lofty, idealistic, and noble sentiments embodied in the Declaration of Independence and the written Constitution under which our forefathers built a great commonwealth, lived, and died. Their interest lies in a purely "bread-and-butter" government—or "givernment," as has been humorously expressed. Religious liberty's future in this "New Constitutionalism" as applied in the political and economic realm is very apparently involved. For in the process of building this juggernaut of government, with still wider ramifications in a postwar world to avoid economic breakdown and possible revolution, with but few, if any, of the more idealistic types of constitutional restraint upon government, there may be an all-too-easy transition to governmental domination in the religious sphere by a "new" Constitutionalism also with respect to the Bill of Rights.

### Ingredients of the "New Constitutionalism"

The possibly serious impact upon the cause of religious liberty should be readily discernible by a brief presentation of the constituents of the "New Constitutionalism" which is now quite prevalent in the juristic thinking of legislators, lawyers, judges, and publicists.<sup>6</sup> Consideration of these ingredients with their implications should disillusion those who

<sup>3</sup> "The New Constitutionalism" (1940), 26 American Bar Journal, 865.

<sup>4</sup> "Industrial Law Under the 'New Constitutionalism'" (Santa Clara Univ. Pubs., Oct., 1941).

<sup>5</sup> Cf. my treatment of this matter in "Streamlining the Constitution" (1938), 16 New York University Law Quarterly, 1; and my earlier discussion, "The Mirage of Constitutionalism" (1934), 29 Illinois Law Review, 608.

<sup>6</sup> I attempted to indicate the transitory character of these views in my discussion entitled, "Current Constitutional Fashions" (1940), 34 Illinois Law Review, 519.

may entertain the belief that legislation that curtails religious liberty may be easily invalidated through invocation of constitutional inhibitions and restraints imposed upon government. It must be clearly borne in mind, however, that these elements of the "New Constitutionalism" are essentially within the economic sphere of governmental activity, where, in most of our national history, the interpretative judicial process has been most active.

Because of our historic and traditional American practice of separation of church and state, obviously we have had but little construction of the Constitution by the Supreme Court in relation to matters pertaining to religious beliefs, religious practices, and religious teachings. But the Bill of Rights, which does to some extent interdict governmental invasion of religion, may be brought within this "new order" of Constitutionalism if the American people continue the direction they are now pursuing, regrettable to all lovers of religious liberty if such should be the case.

#### **Four Significant Philosophies**

The content of the Constitutionalism now widespread centers around four significant reigning philosophies; namely: 1. Owing to the "idea of progress" and the theory of evolution, and to the fact of a world of mechanized industrialism alongside of agriculture, it is held that America has entered upon an economy of different national needs and new problems, so that the inherited written Constitution as a whole is outmoded. No distinction appears to be taken between the constitutional structure or framework of government, on the one hand, and the principles controlling the exercise of government—such as the Bill of Rights—on the other. To such a generalization I enter a vigorous caveat.

2. The belief is widespread that the majority in a democracy should have the right through legislation to impose its will upon the minority, particularly in economic and social matters, so that there are no restraints, imposed either by natural law or by religious precepts, upon the exercise of the sovereign will of the people as organized into the state. Under this conception, there is no longer a so-called "inner sanctum" into which the state may not enter in legislation if it so wills. The British Parliament is regarded by the exponents of this viewpoint as symbolic of their position—it has supreme and paramount sovereignty uncontrolled by a written constitution. If government does not invade all phases of human life, it is because of its self-abnegation, and not because of any "fundamental" constitutional or ethical principle inhibiting its action. Here again, I, as a constitutional jurist, file the usual "bill of exceptions."

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3. There is the viewpoint that persons organized into groups, rather than those unorganized and alone, have a preferential claim upon state recognition and state protection; that this is an "age of associations and combinations" due to industrialism and machinery, and not an age of individualism and pioneering with new horizons beyond the frontiers. Thus unions of all sorts, blocs, associations, granges, et cetera, as long as they are not monopolies or tend to become such, are the personification of wisdom and right, and possess political strength, favoritism, and recognition by the state. Absent is the lofty conception that the individual per se is the "end" of all government, for whom government was created among men, born free and "created equal," in the words of the Declaration of Independence. How easily the Bill of Rights and religious liberty's existence might be undermined and destroyed by an extension of this philosophy! If these multifold associations and organizations can be properly canalized within the economic or political sphere, then it would seem that the demands of modern industrialism are such that they must be permitted and encouraged by government.

4. It is held that the judiciary should not overthrow the will of the majority as embodied in legislation merely because the courts may differ on matters of policy with the legislators, for, it is said, the latter with the Executive are more representative of the popular will. Therefore, even though the judges in passing upon the constitutionality of legislation may be unable to separate the qualities of unsoundness and undesirability of a law from its possibly good qualities, they should nonetheless sustain the legislation under judicial review. Since early 1937 to the present time, the Supreme Court of the United States, perhaps reflecting this juristic philosophy or the popular attitudes and desires, has not overthrown a law of Congress. On the other hand, some twenty laws of the constituent States have been nullified by the Court. My personal conviction with respect to this constitutional philosophy is that the Court ceases to be an independent tribunal within the constitutional structure, thus tending to make the several States and the central Government supreme and above the Constitution.

#### **Effect Upon Religion**

Only the American people who in their quest for economic security through government, which has already resulted in their dependence upon government by many, can change this course of "manifest destiny;" application of the constitutional principles of the older Constitutionalism is powerless to do so. If part of the American constitutional structure of private capitalism and individual liberty in the economic sphere is already undermined by this present

trend in our national life, what will be the result in other phases of that life, such as religious practices and religious teachings? Can the Bill of Rights, whose purpose in part is to protect religious liberty

against the encroachment of government, and to prevent the establishment of a union of church and state, withstand the slow crumbling—the almost total disappearance—of the older Constitutionalism?

# Religious Instruction on Schooltime

by **DR. GEORGE E. HILL**

*Dean, Morningside College, Sioux City, Iowa*

**G**ENTLEMEN, you have on the table tonight the hottest potato in this community." The board of education's attorney was speaking. This local school board had been debating the merits of a proposal to release children from school to receive religious instruction at the local churches. The proposal came from several of the local ministers. That controversial issue is involved in such a proposal almost goes without saying. The issue in the minds of many citizens is that of the relation of church and state. To educators the problem of released-time religious instruction involves a number of questions that ought to be thoughtfully considered by all citizens.

A recent survey conducted by the United States Office of Education<sup>1</sup> reveals that thirteen per cent of the school systems of this country are now releasing children from school for religious instruction. Another three per cent have had released-time plans and have now discontinued them. More than three per cent that are not now releasing children are planning to do so. Such plans are about equally prevalent in cities and in country towns. Fifty-five per cent of the plans were put into operation in the period 1935 to 1940. Apparently there has been a sharp increase in the number of school systems that release children for religious instruction.

## Religious Education Needed

To me this widespread use of schooltime for weekday religious instruction is evidence of three important conditions. In the first place, it reveals that the American people, with few exceptions, believe in the importance of religious instruction for their children. Is religious education really necessary for the full and adequate education of our children? There are few among us who would say, "No." This country was founded by God-fearing men who saw

that civic virtue depended on personal godliness. But these same men, through bitter experience, carried the conviction that every man should have the right to freedom of conscience and freedom to pass on to his children his own religious convictions. We have as a nation been committed to religious freedom and freedom of religious education. It is unfortunate that this freedom has been used by some to deny their children any religious instruction. The church, however, has always been free to evangelize those who failed to see the importance of religion in their lives and in the lives of their children.

In the second place, the present resurgence of the movement to use schooltime for religious instruction gives clear evidence of our need for revitalizing religious education. The statistics on Sunday school attendance have frightened many people. The reports vary, but it is clear that at least sixty per cent of American children are receiving no formal religious instruction. What easier solution, many ask, than to provide more "Sunday" schools on weekdays? What reason there is to believe that parents who do not send their children to Sunday school would send them to weekday "Sunday" schools is hard to discover. Unless religious instruction were to become a part of the regular curriculum of public schools, it is doubtful that such instruction will reach those now not reached by the churches. In short, weekday religious instruction will only provide more of the same thing for those already attending Sunday or other church schools.

## Confusion of Counsel

A third condition evidenced by this movement toward released time, is the confusion of educators, both religious and secular. Let us ask a few simple questions about the educational aspects of the released-time program:

Do the churches want a released-time program? Many certainly do. Leadership in securing released

<sup>1</sup>Mary Dabney Davis, "Weekday Classes in Religious Education," Bulletin, 1941, No. 3, Federal Security Agency, United States Office of Education, Washington, D. C.





PHOTO BY H. M. LAMBERT

Religious Teaching to Be the Most Effective Must Begin in the Home

time usually has come from ministers, religious-education associations, or other groups representing the churches. The agencies that have for long sponsored training programs for religious teachers have been especially active in promoting the plan. Leaders in this group, who are usually university professors of training courses for religious teachers, have been especially vocal in support of the plan. The individual minister who opposes the idea is liable to be accused of treachery to the cause. However, occasionally one speaks.

A rabbi wrote the writer recently that he strongly opposed the idea of releasing children from school. He and his wife had, for years, operated a fine religious-education program in late afternoons and evenings and saw no need for released time during school hours for religious instruction. Fifty-one per cent of the released-time programs now in operation are administered by individual churches, ten per cent by individual churches through an advisory council, twenty-nine per cent by an interdenominational council, and ten per cent through a combination of these three methods. The program is still predominantly an individual-church program.

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Are the churches prepared to teach children? This is hard to determine. In practice, the teachers are usually the same people who teach in the Sunday schools. One can best judge the quality of instruction in weekday schools of religion by judging Sunday school instruction. Nor should one expect that released-time instruction will receive supervision from public-school authorities. Typically they keep hands off.

What will the children miss if their schooltime is shortened? There is real danger that released time for religious instruction will be used as an excuse for curtailment of public-school efforts at character education. This would be most unfortunate. The children who do not seek the religious instruction have usually been given civic education, character education, more study time, special remedial instruction, or extracurricular activities. One careful investigation<sup>2</sup> has revealed that character training for those who stayed at school achieved as good results, when measured by the same means, as the religious instruction.

<sup>2</sup>Edward B. Bartlett, "Measurable Moral and Religious Outcomes of Weekday Religious Instruction," *Religious Education*, Vol. 29, pp. 25-34, January, 1934.

What effect does the released-time program have on school morale? Two chief objections have arisen. One is the effect that such instruction has in emphasizing sectarian differences among school children. The program can be divisive, rather than unifying, in effect. The other objection has arisen from pressure methods to get children to attend. In one community the children who left school to go to the churches for instruction returned with badges and material rewards to show for their efforts. This kind of pressure is unwarranted and mischievous.

Are the church people willing to evaluate their work objectively and fairly? No one knows the answer. Many church people are greatly concerned over the outcomes of religious instruction. Others assume that piety among the teachers is the only test. It is clear, however, that the churches will be their own judges. No impartial outside agency will be able to evaluate the outcomes on the basis of pupil development.

### Instruction in the Home

The last, and most important, question is this: Where must the ultimate responsibility for religious instruction rest? Some may disagree, but it is my conviction that the parents in the home must always be the most effective teachers of religion. This belief has much to support it. The parents condition and train the child during his most impressionable years, the preschool years. They set the example of right living that exerts the greatest influence upon the child. The parents have more intimate relations with their children than anyone else. Unless they fulfill their

moral duty to train their children in religion, all other efforts must be only partially successful.

The tragedy in the present situation is the weakening of religion in the home. How much will an hour or two more of religious instruction mean to a child who has no religious training at home? But, you say, a little religion is better than none at all. The difficulty is that an hour or two more provides one more alibi for the lazy and religiously flabby parent. It is my considered judgment that both Sunday school and weekday religious instruction must fail unless there is a revival of parental education. This education must have three foundation stones—worship, instruction, and example. Worship can center in the family altar. Instruction can begin at the mother's knee. Example will have to begin with personal conviction and a vital religious experience among parents.

If the churches want a real revival of religious education, let them start with the parents. The church is woefully weak in this respect. Parents need a religious experience of deep and lasting significance. They also need training in how to instruct their children.

The questions raised in this article are in no wise raised in opposition to religious instruction. I was born and reared in a religious home. My father gave his life to the Christian ministry. I went to a church college and now work in one. My concern is, rather, that religious education get back to its spiritual roots. Our common sense tells us that these roots are in the home. Then why is it that we do not use our common sense?

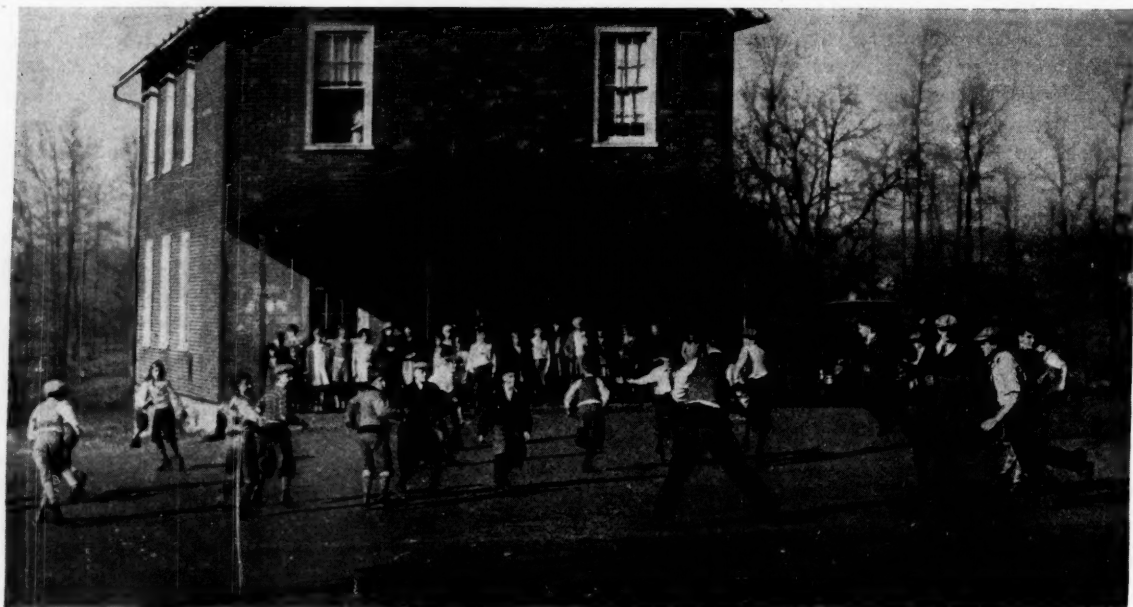


PHOTO BY CY LA TOUR & SON

The Best Way to Give Religious Training to Children Is Through the Precept and Example of Godly Parents and Teachers



PHOTO BY EWING GALLOWAY, N.Y.

Saluting the Flag of the Land They Love

# What Our Flag Stands For

by C. S. LONGACRE

**T**HE SYMBOL OF AMERICA, the Stars and Stripes, represents liberty and justice. It stands only for all that is noble and good. It is opposed to every form of bondage and tyranny. Old Glory stands in defense of ideals and principles known as the American way of life. It is the symbol of true Americanism. It is the ensign of a just and holy cause.

The chosen representatives of the Government may prove unfaithful to their public trust and trample underfoot the ideals and principles of true Americanism, but such unfaithfulness and disloyalty on the part of public servants should heighten our admiration and deepen our devotion for the eternal verities for which Old Glory stands. The government and the

people may be led astray by following subversive isms in times of great stress and strain, but the things for which the flag stands never change—they are eternal. The symbol of Americanism is like "the rock of ages" which withstands the fury of the tempest and crashes the mighty waves of the sea. It represents principles and ideals as immutable as the law of the Most High, which endures "throughout all generations," notwithstanding that every son and daughter of Adam has transgressed that law.

The Star-Spangled Banner symbolizes fundamental principles which are as enduring as truth itself. It stands for the protection of your home, and in defense of your liberty and your life. It is the guardian of your body, and the preserver of your happiness. It



is the sworn enemy of religious intolerance and political oppression. It challenges injustice and corruption. It is the nemesis of all lawlessness and every traitorous act. May our flag ever wave over the land of the free and the home of the brave.

The divine injunction, "Render therefore unto Caesar the things which are Caesar's," "tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor," is especially applicable to Old Glory—the flag which symbolizes all that is true and noble and just and equitable in civil government.

When we teach our children to love, honor, and respect the flag, we are training them to be responsible, law-abiding citizens, and to stand as sentinels in defense of human rights and God-given liberties. The saluting of the flag is not an act of worship or a form of idolatry, but a patriotic act by which is pledged loyalty to the grand ideals and fundamental principles symbolized by our national emblem. However, the salute of the flag must be a free and voluntary act, if it is to have any salutary virtue. A forced salutation is in violation of every principle of freedom for which the flag stands. It is just as impossible to derive any benefit out of an enforced patriotism as out of a coerced religion.

The flag stands for civil as well as religious liberty. The flag recognizes the supremacy of the conscience, whether that conscience is right or wrong. That is true Americanism. It is not for government to determine which religion is right and which is wrong, but to maintain strict neutrality upon all religious questions, so that every religion may enjoy the equal protection of the laws of the land, and all citizens may stand on the same equality before the bar of justice.

The flag stands in defense of the natural and inalienable rights of the individual, in peacetime and in wartime, regardless of his political or religious

faith. It stands for peace, but not at any price. Justice is the foundation of God's throne, and justice must be maintained at any price.

Our God is a God of mercy and of judgment, "keeping mercy for thousands, forgiving iniquity and transgression and sin, and that will by no means clear the guilty." Those who will not accept God's proffered mercy, must take His judgments. Just so the flag stands for the protection of the innocent and for the punishment of the guilty. The flag offers liberty to the obedient, but punishment for the disobedient. Justice must be maintained, or anarchy will prevail. In peace or in war, the flag stands for essential justice and liberty under law.

### Our Flag

We hail our flag of liberty!

Its folds in hues resplendent spread;  
The blue for truth and loyalty,  
The crimson red for blood we shed,  
The spotless white for purity.

Our flag has never known defeat;  
The staff e'er stands on holy ground;  
Its cause is just, its mission meet,  
Its principles of right are sound,  
Its every star with hope replete.

Thank God, this flag, in every clime,  
Upholds the right, condemns the wrong,  
Sustains the just, denounces crime,  
Defends the weak against the strong;  
Its purpose high, its aim sublime.

Long may it wave o'er our fair land,  
A diadem of stainless name;  
Fit symbol of our freedom, grand,  
For aye aglow with glory's fame,  
Securely held in God's own hand!



PHOTO BY H. M. LAMBERT

May Our Country Always Be the Land of the Free and the Home of the Brave

# Religious Freedom

by **WALTER C. REESE**

*Attorney at Law*

**T**HE SENSE OF THE PEOPLE of 1776 was directed toward giving to the world a new form of government. The empires of the Old World looked on with astonishment as the new Republic of a new world set up a government separate from the church.

The founders of this Republic had seen the bloodshed occasioned by persecution of the people of Europe under governments dominated by the state church, and wrote for all time to come into the Constitution of the United States the provision which prohibits the national Government from making any law respecting religion or prohibiting the free exercise thereof.

Thus they laid down a principle followed by every new state in writing its constitution, and this principle became without question the law of the land. Many people take it for granted that such a provision was written as a matter of course, but it was an innovation in government. Even the mother country, England, had a state church, and the principle of separation of church and state is truly American.

The pioneer, with his insight into the future, took the same principle into the new land which was opening before his eye. Far to the west of the New England States a great territory spread itself. Men marked the trail as they traveled, and out of the confines of that territory vast areas were opened to settlement.

The Congress of the United States sought to secure for the settlers all of the blessings of constitutional government, and in 1787 enacted the "Ordinance for the government of the Territory of the United States Northwest of the river Ohio." To set it out in full would require more space than can be given here, but this ordinance is well worth reading. It provided, among other things, "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected."

It was to be unaltered unless changed by common consent on the part of the original colonies and the new territory. It declared:

"Art. 1. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in said territory."

Notwithstanding the efforts to set aside these provisions by various prosecutions of some religious

groups in the last few years, this law as laid down by the Congress of 1787 is the law in the States covered by that solemn compact between the original States and the States that grew out of that territory.

Congress went even further and said, "The inhabitants of the said territory shall always be entitled to the benefit of the writ of habeas corpus and of the trial by jury."

No dictator could ever set aside that provision, as long as the people demanded the observance of those principles. These provisions must be regarded as more than a mere expression of government; they must afford the people the cloak of living protection.

I have been more than alarmed at the trend of the times to disregard the fundamentals of government by minor courts of the land in permitting religious persecution to raise its head in spite of constitutional prohibitions. Ofttimes the defendants are required to carry their plea for religious freedom to the highest tribunal of the land to secure the protection of the Constitution.

Christ commanded His followers to go into all the world and preach the gospel. This is as much an injunction of the Bible and part of the religious belief of the convert as any other precept; yet today there is a disposition to confine religious activities to the established churches of the community, and to prohibit the preaching of the gospel by the distribution of literature or the selling of books and pamphlets in the face of decisions of the Supreme Court of the United States. This in effect establishes a "state religion."

The Constitution protects the citizen regardless of his condition, be he rich or poor, and when State governments have in times of stress sought to bar citizens because of their poverty, such laws have been declared unconstitutional. If in the avocation of preaching the word by the written book or pamphlet one travels from State to State, he is entitled to the protection of the provisions of the Constitution instead of being placed in jail. The fact that a judge may not like the religion of the defendant gives him no right to disregard the defendant's plea for protection of the law as laid down by the Supreme Court of the land.

Our Government wisely left the matter of religious instruction to the home and the church. It provided for the separation of church and state, not because

its citizens were infidels, but because the founders knew that once the power of the state is used to enforce the dogmas of the church, persecution might result. The state should not attempt to decide the merits of one belief or another, for this would surely be followed by persecution.

We are Americans. The doctrine of separation of church and state is wholly an American institution, laid down by men who saw religious persecution sweep over the Old World.

Unless we adhere to the Constitution we may write our sad epitaph. And no one has expressed the

thought so well as the late Mr. Justice Sutherland in a dissenting opinion which has made his words historic, "Do the people of this land—in the providence of God favored, as they sometimes boast, above all others in the plenitude of their liberties—desire to preserve those so carefully protected by the First Amendment: liberty of religious worship . . . ? If so let them withstand all beginnings of encroachment. For the saddest epitaph which can be carved in the memory of vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while there was time."

# A Creed for Americans

by **STEPHEN VINCENT BENET**

["A Creed for Americans," by Stephen Vincent Benet, was written originally for the Council of Democracy. Because we believe it is impossible to state too frequently the things for which this nation really stands, we are hoping to give Mr. Benet's statement a wider circulation by giving it to our readers, through the courtesy of the Council for Democracy.—Editors.]

**W**E BELIEVE in the dignity of man and the worth and value of every living soul, no matter in what body housed, no matter whether born in comfort or born in poverty, no matter to what stock he belongs, what creed he professes, what job he holds.

We believe that every man should have a free and equal chance to develop his own best abilities under a free system of government, in which the people themselves choose those who are to rule them, and in which no one man can set himself up as a tyrant or oppress the many for the benefit of the few.

We believe that free speech, free assembly, free elections, free practice of religion, are the cornerstones of such a government. We believe that the Declaration of Independence, the Constitution and the Bill of Rights of the United States of America, offer the best and most workable framework yet devised for such a government.

We believe in justice and law. We do not believe in curing an evil by substituting for it another and opposite evil. We are unalterably opposed to class hatred, race hatred, religious hatred, however manifested, by whomsoever instilled.

We believe that political freedom implies and acknowledges economic responsibility. We do not believe that any state is an admirable state that lets its people go hungry when they might be fed, ragged when they might be clothed, sick when they might be well, workless when they might have work. We believe that it is the duty of all of us, the whole people, working through our democratic system, to

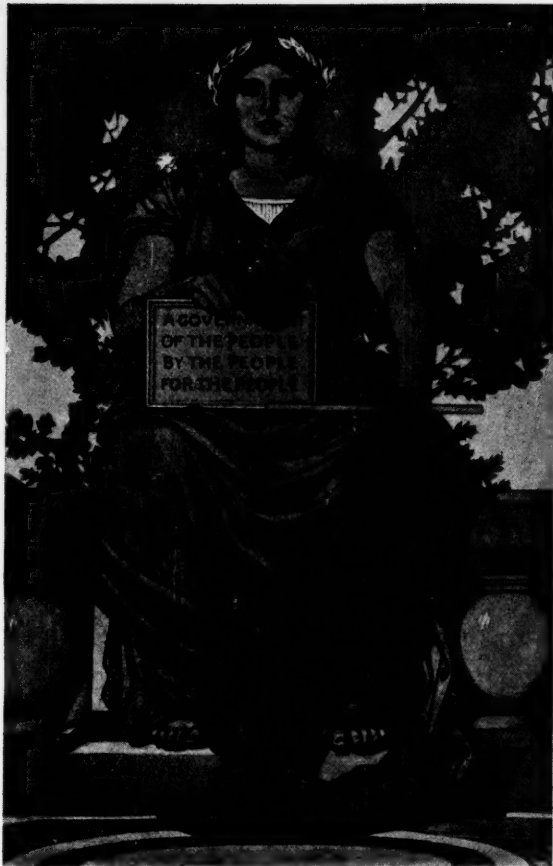
see that such conditions are remedied, whenever and wherever they exist in our country.

We believe that political freedom implies and acknowledges personal responsibility. We believe that we have a great and priceless heritage as a nation—not only a heritage of material resources, but of liberties, dreams, ideals, ways of going forward. We believe it is our business, our right, and our inescapable duty, to maintain and expand that heritage. We believe that such a heritage cannot be maintained by the lacklustre, the selfish, the bitterly partisan, or the amiably doubtful. We believe it is something bigger than party, bigger than our own small ambitions. We believe it is worth the sacrifice of ease, the long toil of years, the expense of our heart's blood.

We know that our democratic system is not perfect. We know that it permits injustices and wrongs. But with our whole hearts we believe in its continuous power of self-remedy. That power is not a theory—it has been proved. Through the years, democracy has given more people freedom, less persecution, and a higher standard of living than any other system we know. Under it, evils have been abolished, injustices remedied, old wounds healed, not by terror and revolution, but by the slow revolution of consent in the minds of all the people. While we maintain democracy, we maintain the greatest power a people can possess—the power of gradual, efficient, and lawful change.

Most of all, we believe in democracy itself—in its





AFTER ELIHU VEDDER, ARTIST

The Democratic System May Not Always Function Perfectly, but Under It the People Are Supreme and Free. Their Rulers Exercise Only Delegated Powers

past, its present, and its future—in democracy as a political system to live by—in democracy as the great hope in the minds of the free. We believe it is so deeply rooted in the earth of this country that neither assault from without nor dissension from within can ever wipe it entirely from that earth. But, because it was established for us by the free-minded and the daring, it is our duty now, in danger as in security, to uphold and sustain it with all that we have and are. We believe that its future shall and must be even greater than its past. And to the future—as to the past of our forebears and the present of our hard-won freedom—we pledge all we have to give.

## The Strange Jehovahs

(Continued from page 12)

Sam one of these days, tiring of his courts' being cluttered with these Jehovah's Witnesses cases, should

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teach the overardent official zealots what the Bill of Rights has to say about freedom of religion.

## I Know Them

I know scores of Jehovah's Witnesses, and most of them are cultured, refined, and intelligent Christian people. Doctors, lawyers, dentists, and teachers are among their number. They are just like other folk. That people should persist in making a witch hunt against them because they refuse to make the manual salute to the flag, is a travesty on our knowledge of the Constitution. But that the Government of the United States has not departed from its fundamental precepts of liberty and freedom is amply attested to by the vigor with which its courts protect those rights.

The Stars and Stripes still stands for liberty and justice to all, even to those who refuse to make the manual salute to it. It is, after a hundred and fifty years of trial and tribulation, as the Jehovah's Witnesses pledge says, the symbol of justice and liberty to all, and the important thing is not *saluting* the flag, but *upholding* the principles for which it stands.

## My Country's Flag

George Clarence Hoskin

My country's flag—the red, the white, the blue!

Emblem of hope, eternal liberty,  
The harbinger of peace, the freeman's due,  
Marking the place of glad security,  
The quest rewarding of deserving men,  
A refuge for the honored citizen!

To shield, inspire, and keep, long may it wave,  
Bathed in the lifeblood of our hallowed dead,  
In glory made, the ensign of the brave,  
Who, from aloft, unfurled it, proudly spread,  
Displayed in victory, the world to bless,  
Bequeathed to life, liberty, happiness.

May this blest banner float o'er a free land  
As long as living things on it shall stand.

RELIGION is indispensable, but it should not be dispensed by law under duress of the civil magistrate.

THE greatest handicap to the progress of civilization is a failure to discern the lessons of history.

AN immoral man needs religion, but it will do him no good if administered in legal doses.

UNLESS self-expression is balanced by self-restraint, liberty becomes a curse to society.

WHAT right have we to demand perfection in others when they cannot find it in us?

NOTHING is so dangerous as misdirected zeal empowered with civil authority in the realm of religion.



# Professional Patriotism — Dangerous

by H. H. VOTAW

**I**N EVERY MOB there are those craven folk who would never dare alone to attack a victim. They are the ones who make the loudest noise, who talk the most about their bravery. Courage—real courage—is apt to be calm. The one who shouts and gesticulates most stands in danger of dissipating his energy. Whistling in the dark or when passing a graveyard is a small boy's way of showing that fear is not in his heart at all, of advertising his courage.

In wartime there are those who talk much of loyalty, who, when somebody is watching, wave the flag, who are quickest to speak out against anyone who might disagree with them on any point. These brave (?) folk must cover up cowardice by attacking others.

Many at this time are demanding that conscientious and devout folk give up their religious convictions because of the nation's danger. Every good Christian is a good citizen. No man can be a good Christian and not be a good citizen. Every good citizen will naturally want to give the best he can to the best land on earth. But no good state can or will ask any of its citizens to sacrifice that which is more precious than life.

These observations are prompted by an incident that came to our attention recently. A young Seventh-day Adventist woman employed in one of the departments of the Government in Washington was commanded to appear for work on Saturday. She offered to come earlier and work later each day in the week to make up for time lost by Saturday absence. She even offered to work on Sunday, if there were any place where her services could be used, and *not accept the extra allowance that is generally made for Sunday work.* She advanced one or two other suggestions for giving the Government the full measure

of her services, but all she got for her pains was to be told that she was yellow—a fifth columnist. The man who thus spoke to her may have lived in America all his life; he may have sprung from an ancestry that goes back to Plymouth Rock, for all we know. But it is perfectly certain that he knows nothing about the spirit that prompted the men who founded this nation.

It will be a sad day indeed for America if the time ever comes when any service to the state is placed above the duty that man owes to his God, and if an attempt is made to force the conscience of the citizen. The founder of the Christian faith bade His followers to "render . . . unto Caesar the things which are Caesar's; and unto God the things that are God's."

In the present conflict for the preservation of the things that have been precious to us during all our history, some urge that it is necessary to sacrifice inherent rights for a time, that they may be secured for the future. We recognize that the struggle now going on is a vital one for America, but we agree with the words of Senator Guffey contained in an address entitled, "Civil Liberties in a Nation at War," and printed in the *Congressional Record* of December 15, 1941:

"Traditionally the American people have recognized a distinction between the liberties they enjoy in time of peace and the restrictions they must necessarily expect in time of war.

"This does not mean that the Bill of Rights is to be suspended for the duration of the emergency. Nor does it mean, as some are inclined to assert, that our liberties are only 'qualified' in any event. They are as real today as they have ever been in our history. It is important that we keep them that way. Should we

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deny their essential validity now, we would deny the very democracy we are fighting to preserve, for they are in a real sense the foundation of our democracy. . . .

"To those who incline to the belief that the Bill of Rights should be suspended in wartime, I say that we should all remember that without the Bill of Rights we should not have had a Constitution at all. Our forebears made it a condition precedent to ratification of the Constitution as it was originally proposed. In fact, the history of my own State of Pennsylvania records that Abraham Lincoln's grandfather, as one of Pennsylvania's Representatives, refused to vote for ratification of the Constitution as first submitted because the Bill of Rights was not included. . . .

"Because our Government is of the people, by the people, and for the people—because it is carrying out the people's mandate and directing the people's endeavors as the people wish them directed—we need have no fear that our war effort will be impeded by strict adherence to the principles of the Bill of Rights. In fact, I conceive the real danger to our Bill of Rights in wartime to be not legislative enactments, but rather the misdirected patriotism of individuals and groups who may be inclined to brook no criticism of our endeavors. . . .

"I am completely satisfied that we can take all necessary measures to combat subversive activity without violence to the Bill of Rights. In fact, the Department of Justice has already had occasion to warn local executives throughout the nation that molestation of foreign nationals is to be avoided. This step was necessary, lest, in an excess of zeal, our local authorities should trample upon the rights of innocent individuals. . . .

"The liberties explicit in the Bill of Rights are the liberties our forefathers won with their lives. We have defended them on many a battlefield. We are defending them now. Because they grant to our people freedom from oppression, they set us apart from other nations in which the liberties of the people have been at the varying mercies of their sovereigns. They released and gave means of expression to the initiative which enabled our pioneers to conquer the wilderness. They have formed the basis of a great peaceful inland empire in which all men are equal before the law. They are worth defending. They have made us great in times of peace; they shall make us invincible in this dark hour of war. Because we are free we do not know the meaning of fear, nor is there in our minds and hearts any doubt of the outcome.

"I say that now, in the midst of war, is the time for us to proclaim our Bill of Rights as the great charter of freedom which we are fighting to preserve. Let it stand forth as a shining light to those nations engulfed in darkness, as a beacon in the storm, so that all who labor beneath the yoke of dictatorship may look up and take heart. Let us look upon our flag as a symbol of the liberties guaranteed by our Bill of Rights, so that the peoples of the world may say, wherever it waves, There men are free. Then let us address ourselves to our historic task, upon which the fate of all free men depends, the task of keeping that flag flying."

We commend these words to all thinking people. We believe that Americans will do well to face whatever the future holds with the firm determination not to infringe upon the rights of conscience of any man or woman. Let us be sure to cherish these rights in war as in time of peace.

## Transportation of Children to Parochial Schools

### **A Decision of the Supreme Court of Oklahoma**

[A number of States, some by the change of vital sections of their constitutions, some by court rules, and some by mere default, we think, have provided for transporting children to parochial schools by public-school buses. An opinion\* given by the Supreme Court of Oklahoma on December 2, 1941, will

interest our readers, we are sure. We agree wholeheartedly with this court's opinion.—EDITORS.]

**T**HE QUESTION is whether article 11, chapter 34, S. L. 1939, is constitutional.

"The same provides:

"That whenever any school board shall, pursuant to this section or to any law of the State of Oklahoma,

\**Mike Gurney, et al., vs. J. R. Ferguson, et al.*, No. 29,754.





PHOTO BY EWING GALLOWAY, N. Y.

**Should Public Funds Be Used to Transport Children to Private and Parochial Schools?**

provide for transportation for pupils attending public schools, all children attending any private or parochial school under the compulsory school attendance laws of this State shall, where said private or parochial school is along or near the route designated by said board, be entitled equally to the same rights, benefits, and privileges as to transportation that are so provided for by such district school board.'

"It is here sought to compel the school district officials, in conformity with said act, and by use of the public-school bus and at the expense of the public-school funds, to transport certain pupils on their way to and from a certain admittedly parochial school for the purpose of attending such school.

"We examine the law to determine whether the trial court erred in its conclusions that the legislative act is violative of section 5, article 2, of the Oklahoma Constitution.

"Such constitutional provision is quoted as follows:

"No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.'

"Plaintiffs in error base a goodly portion of their argument upon the premise that the above-quoted provision of our constitution says nothing about schools. The suggestion is made that therein lies a material distinction between such provision of our constitution and certain constitutional provisions of other States which have there been considered in connection with similar questions. The net result of the suggestion would seem to be that the term 'sectarian institution' does not include a sectarian or parochial school, leading to the ultimate result that our said

constitutional provision did not inhibit the use of public funds directly for the maintenance of such a school.

"We would not be inclined to accept that premise even if compelled to rely solely upon the phraseology of this particular provision. It seems to us that it would be commonly understood that the term 'sectarian institution' includes a school or institution of learning which is owned and controlled by a church and which is avowedly maintained and conducted so that the children of parents of that particular faith would be taught in that school the religious tenets of the church.

"When the interpretation suggested by plaintiff in error leads to the result that the framers of our constitution did not intend to prohibit the direct expenditure of public funds in support of sectarian schools, then the complete error of that contention is demonstrated. It is provided in section 5, article 1, of the constitution that the schools which the State is authorized and directed to establish and maintain shall be 'free from sectarian control.' We feel there is no doubt that section 5, article 2 supra, prohibits the use of public money or property for sectarian or parochial schools.

"It is urged that the present legislative act does not result in the use of public funds for the benefit or support of this sectarian institution or school 'as such;' that such benefit as flows from these acts accrues to the benefit of the individual child or to a group of children as distinguished from the school as an organization. That argument is not impressive. A similar argument was said to be 'utterly without substance' in *Judd v. Board of Education* 278 N. Y. 200, 15 N. E. (2d) 576. It is true this use of public money and property aids the child, but it is no less true that practically every proper expenditure for school purposes aids the child. We are convinced that this expenditure, in its broad and true sense, and as commonly understood, is an expenditure in furtherance of the constitutional duty or function of maintaining schools as organizations or institutions. The State has no authority to maintain a sectarian school. Surely the expenditure of public funds for the erection of school buildings, the purchasing and equipping and the upkeep of same; the payment of teachers, and for other proper related purposes, is expenditure made for schools as such. Yet the same argument is equally applicable to those expenditures as to the present one.

"If the cost of the school bus and the maintenance and operation thereof was not in aid of the public schools, then expenditures therefor out of the school funds would be unauthorized and illegal. Yet, we assume it is now acquiesced in by all that such expenditures are properly in aid of the public schools

and are authorized and legal expenditures. If the maintenance and operation of the bus and the transportation of pupils is in aid of the public schools, then it would seem necessarily to follow that when pupils of a parochial school are transported that such service would likewise be in aid of that school.

"The expenditure of the public funds for the purpose here shown is confined to children attending school, thus refuting any argument that such transportation is for the benefit of children generally and not for schools, or that such transportation is furnished in regulating traffic within the police power, or primarily in promoting the health and safety of the children of the State. In *Consolidated School Dist. v. Wright*, 128 Okla. 193, 261 Pac. 953, it was held that transportation of pupils is an act done in carrying into effect the educational program contemplated by the constitution and statutes.

"The appropriation and directed use of public funds in transportation of public-school children is openly in direct aid to public schools 'as such.' When such aid is purported to be extended to a sectarian school, there is, in our judgment, a clear violation of the above-quoted provisions of our constitution. It is our duty only to read the applicable provisions of the constitution, and analyze them, and apply to the question here the intent and purpose disclosed by the expressions in the constitution. That document embraces the fundamental and basic law of the State, and courts and judges, like everybody else, are bound to follow it. 'It is not the province of the courts to circumvent it because of private notions of justice or because of personal inclination,' as was said in the *Judd case*, supra.

"The case of *Oklahoma Railway Company v. St. Joseph's Parochial School et al.* 33 Okla. 755, 127 Pac. 1087, did not involve the expenditure of public funds and is merely an example of the exercise of the State's function of regulating transportation companies, and the case was one of construction of certain provisions of the railway company's contract and franchise. We do not believe that case is authority for the assertion that a private or parochial school is a part of the State's public-school system or equivalent thereto, so as to authorize the maintenance thereof from public funds.

"Our conclusion here is fully supported by the reasoning and conclusion in *Judd et al. v. Board of Education et al.*, supra. Therein that court had before it a case that involved the same essential facts and questions, and considered constitutional provisions of no material difference from our own in the instant respect. That court very ably collected and discussed most of the present available authorities on the several questions presented here, and in our view is acceptable as precedent herein.

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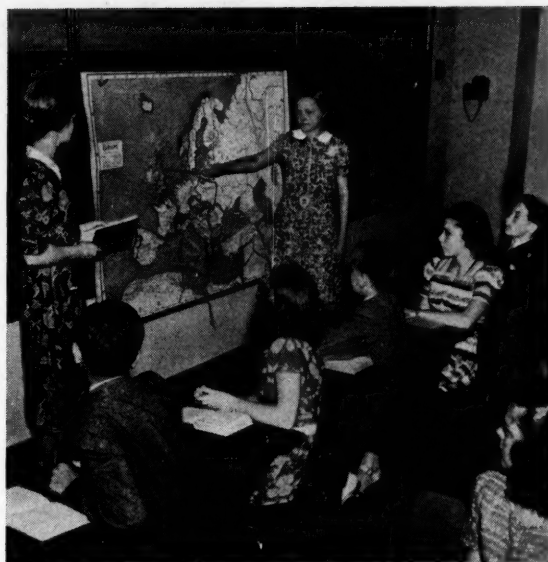


PHOTO BY H. M. LAMBERT

The Question of Religious Instruction in Public Schools Is a Serious One, for It Involves the Principle of Religious Liberty

"Other authorities which support our present opinion and which are likewise relied upon in the *Judd case*, supra, are *State ex rel. Traub v. Frank*, (Sup. Ct. Delaware) 172 Atl. 835; *Synod of Dakota v. State*, 50 N. W. 632; *State ex rel. Van Straten v. Milquet*, School Treas. (Wis.) 192 N. W. 392; *Williams et al. v. Board of Trustees, Stanton Common School Dist.* (Ct. App. Ky.) 191 S. W. 507.

"The brief for plaintiff in error emphasizes the wholesomeness of the rule and policy of separation of the church and the state, and the necessity for the churches to continue to be free of any state control, leaving the churches and all their institutions to function and operate under church control exclusively. We agree. In that connection we must not overlook the fact that if the legislature may directly or indirectly aid or support sectarian or denominational schools with public funds, then it would be a short step forward at another session to increase such aid, and only another short step to some regulation and at least partial control of such schools by successive legislative enactment. From partial control to an effort at complete control might well be the expected development. The first step in any such direction should be promptly halted, and is effectively halted, and is permanently barred by our constitution.

"The judgment is affirmed."

WHEN vice enters the front door, virtue takes its exit through the back door.

THE greatest enemy to freedom is public indifference.

# • Editorials •

## An Archbishop Resigns

**R**ECENT DISPATCHES told of the forthcoming resignation of the Archbishop of Canterbury. The Most Reverend Cosmo Gordon Lang is the ninety-fifth of his line, the Primate of all England, and head of the millions of Anglicans in all the world.

This resignation reminds us of certain things about the English state church. The king of the land, George VI, had to approve the archbishop's act, and the Prime Minister must turn from the terrible business of making war to the naming of someone to head up the state church when the archbishop leaves his post on March 31st next.

A strange combination of powers Mr. Churchill has, indeed—a strange union of political and ecclesiastical functions inhere in the office he holds.

No matter how much we may admire his vigorous prosecution of the war to save his nation, we can't quite credit him with the qualifications for selecting a head for the church.

Maybe we can understand better why the state must have its hand in the transaction when we remember that the office carries a salary of £15,000 a year, that his pension is £1,500, which in ordinary times is equal to nearly \$7,500 in American money, and that these sums are paid from state funds.

It would be well for those church folk in the United States who are always clamoring for state monies to remember that what governments pay for, they control, and that they would be derelict to duty if they did not.

H. H. V.

## Repeal of Blue Laws a Blessing

**T**HE REVEREND WALTER E. MYERS, general secretary of the Pennsylvania State Sabbath School Association, claims that the repeal of the Pennsylvania Sunday blue laws several years ago "has lowered the State's religious levels in a slight, but steady, decline in Sunday school attendance."

We doubt whether the repeal of the Sunday blue laws was the cause of the decline of Sunday school attendance. Ever since California repealed its Sunday blue laws both the general church and Sunday school attendance has greatly increased in that State. The lowering of religious standards, or the increase of church and Sunday school attendance, is not dependent upon the repeal of Sunday blue laws. Anyone whose religion is dependent upon a Sunday law is

resting it upon a very flimsy foundation. When religion was the most corrupt and at its lowest spiritual ebb, during medieval times in the Holy Roman Empire, the state had the most drastic Sunday blue laws upon its statute books, and every phase of religion was regulated by law.

The repeal of religious laws from the civil statute books is not a sign of the decline of religious life, but an evidence of good common sense on the part of state officials and the people in general. It means that religion is standing on its own merits and is far healthier when it receives its growth from its own roots.

C. S. L.

## Religious Instruction in Public School

**T**HOSE FOLK in the United States who are pressing hard for the teaching of religion in the public schools will probably find comfort in the things that are taking place in Great Britain. The *London Times* a while back called for religious instruction in state-supported schools by writing that it was strange that "in a country professedly Christian, and a country which at the moment is staking its all in defense of Christian principles, there is a system of national education which allows the citizens of the future to have a purely heathen upbringing."

The result of the agitation which has followed the publication of this article is that the churches and the board of education are endeavoring to draft an act "making worship and religious instruction compulsory." A government inspector of religious education apparently will be appointed to take care of this branch of education which the government offers its children.

This whole procedure does not seem so strange when viewed in the light of the fact that Britain has a state church, and that she pays from public funds those who teach religion to the adults. We would like to think that such a thing could never occur here, but strange things happen. If we are to avoid the evils of a union of church and state that are found in most of the world, we must resolutely oppose any small beginning that may lead to greater things.

The advocates of teaching religion in public schools always refer to the godlessness of the public schools. We believe that religion should be taught, but that it should be taught by parents, by ministers, or by other religious workers who are paid, not by the state, but by the churches or benevolent folk who are inspired by religious motives.



We wonder what requirements the British government will set up for one who is supposed to inspect religious teaching in the day schools. We wonder what this man will do if he finds a nonconformist teaching doctrine contrary to the belief of the established church. Let us keep church and state forever separate in America.

H. H. V.

## Mixing Religion With Politics

**T**HE HOUSTON (Texas) *Chronicle* gives an account of a resolution passed by the senate of the Texas Legislature at its last session which reads as follows:

"Most Rev. Robert E. Lucey, bishop of Amarillo, has been named archbishop of San Antonio with Catholic dominion over members of his faith in Texas and Oklahoma. . . .

"Whereas, the investiture of Bishop Lucey will occur in the historic and venerable old Cathedral of San Fernando in San Antonio next Thursday, therefore be it resolved by the senate of Texas that it felicitates Archbishop Lucey and sends best wishes to him for a happy and successful reign as the good shepherd of his people in the great States of Texas and Oklahoma.

"And be it further resolved that Archbishop Lucey be invited to address the senate at his convenience and as opportunely by the calendar of the senate."

This is a very unusual procedure for an American State legislature, where the State is supposed to function in civil matters only. Why should a legislative body concern itself about "felicitating" an archbishop of the Roman Catholic Church upon his elevation to the archbishopric of his church? We wonder if Senator Grady Hazlewood, of Amarillo, who offered this resolution in behalf of his bishop, would have been equally solicitous for the "felicitation" of a Methodist bishop, or an Episcopalian bishop, or a Mormon bishop.

We have not forgotten our church history of the first four centuries of the Christian Era. During the first two centuries the Christian church and its bishops were persecuted, and many of the bishops were impaled upon the stake to serve as torches to light up at night the gladiatorial arenas for the entertainment of the pagan emperors of Rome. During the third century the Caesars began to "felicitate" the bishops of the church upon their elevation to the bishopric. During the fourth century the Roman emperors began to grant political favors and patronage to the bishops when they were elevated to the archbishopric. The king and the archbishop built their respective palaces opposite each other on the public plaza. They would dine together at the same table and agree how to

dominate the people and hold them in subjection to their combined authority.

But during the fifth century, and for centuries to come, one of the archbishops became the bishop of all archbishops and bishops, and ruled over the kings of the earth, and the state was subjected to the supremacy of the church.

When the founding fathers separated the church and the state in the American Republic, they intended to put an end to church "felicitation," "favors," "patronage," "support," "interference," "discrimination," and "persecution." A complete separation of church and state is the only basis for peace between the church and the state. Absolute neutrality on the subject of religion is the only basis for church and state independence. Legislative felicitations to church dignitaries lead to church-and-state alliances which have proved a curse to both the church and the state. Texas, watch your step.

C. S. L.

## Free Textbooks Again

**I**N THE CITY OF YANKTON, South Dakota, in March, 1941, the guardian *ad litem* of one. Leonard Haas brought an action in the circuit court of the First Judicial Circuit before the Honorable A. B. Beck, who presided without a jury, to compel the officers of the Independent School District No. 1 of Yankton to furnish schoolbooks to the said Leonard Haas, pupil in Sacred Heart School.

The court ruled that Sacred Heart School is not a part of the public-school system, and that the act which provides for free textbooks for children in public schools was not intended to apply to any schools "other than the public schools of an independent school district."

It was the further opinion of the Court that the language in the act under question "had in mind an independent school district as a corporate unit, solely, rather than a school district in a geographical sense, and that 'the pupils of such district' must mean the pupils attending the schools maintained by such school corporation; and that it was the clear intent of the legislature to limit the free use of textbooks to pupils enrolled in and in attendance upon the public schools established and maintained as a part of the public-school system."

It was "declared, adjudged, and decreed that defendant Independent School District No. 1 of Yankton, South Dakota, and those defendants who constitute the members of the board of education and clerk of said district, can furnish the free use of textbooks solely to those pupils attending schools established and maintained by said district; and that defendant school district has neither the right, the power, nor the duty to furnish the free use of textbooks to plaintiff

Leonard Haas, or to any other pupil similarly situated as Leonard Haas, while not attending a public school established and maintained by defendant school district."

It is always refreshing to find a jurist who retains a clear conception of the need for avoiding anything that approaches a union of church and state, and who expresses his opinions as clearly as Judge Beck has in this case. In certain localities strong pressure has been brought to bear by religionists to secure from public funds benefits for purely sectarian institutions. Such pressure should always be resisted. The separation of church and state which this nation has enjoyed through all its history must not be allowed to give way to anything that will bring back in its final fruition the inevitable results of a union of church and state.

H. H. V.

## "Old Sunday Blue Law Upheld"

THE FLORIDA *Times-Union* of February 6, 1942, gives an account of an old-time Puritan legislative session held by the State legislature of Mississippi. One hundred and twenty years ago, back in 1822, a Sunday law was enacted which forbade the performance of "any interludes, farces, or plays of any kind, or any games, tricks, ball playing of any kind, juggling, sleight of hand, or feats of dexterity, agility of body, or any such like show or exhibit whatsoever, on Sunday. Every person so offending shall be fined not more than fifty dollars."

A bill was introduced in the State legislature to amend the present Sunday law so as to exclude movies and baseball from the ban on "plays of any kind." "Amid a thunder of Scriptural quotation and old-time oratory," says the *Florida Times-Union*, "with a minister-legislator praying for the soul of any colleague who voted to legalize Sunday movies . . . and baseball," the amendment was defeated by three votes in the house of representatives. Another legislator declared, "If you love God almighty, vote to kill this thing. I don't think in a Christian nation we should open the door to such a devilish thing as movies on Sunday."

In vain the proponents of modification read a plea from a general in command of 40,000 troops encamped near a small Mississippi town, who asked that his men be permitted to play baseball and attend wholesome recreation on Sundays, saying that his soldiers in training had "nothing but their boredom to enjoy on Sunday," and that the soldiers "pound the pavement" to go somewhere. But the preachers and farmers of Mississippi who make up the majority membership of the legislature argued "that church, the county singing convention, and dinner on the

grounds provide all the relaxation anyone needs on Sunday." One minister, who is a member of the legislature, said that in his town "the picture show runs on Sunday, and most people go to it. . . . If the church members stayed away, there would be no need of a Sunday law. The show would close."

Why should the state discipline church members? That is not the function of the state, but of the church. Another minister, who is a member of the legislature, said to his colleagues: "If you have your names on the church books and vote for this bill, may God have pity on your souls." The newspaper says, "The old-time religion prevailed," and the soldiers must sit all day in camp on Sunday and twiddle their thumbs.

During the training of the soldier boys in the camps in the District of Columbia for the first World War, President Wilson issued an executive order that the motion-picture shows and baseball be allowed in the District of Columbia on Sunday to build up the morale of our soldiers.

But the minister-legislators of Mississippi are evidently living back in the good old Puritan days when they thought it was proper to enforce religious obligations by the police power of the state. They evidently have not yet learned that the founding fathers of the American Republic separated the church and the state and granted freedom of conscience in religious matters to the individual.

One of the most difficult things for a religious fanatic to overcome is his religious predilections and prejudices. If he could only learn the lesson, whether he is a minister or a layman, and is elected to a public office, that he should so administer his public duties, impartially in civil matters, as if there were no religion in the world. As James Madison said wisely, "Religion is not in the purview of human government. Religion is essentially distinct from civil government and exempt from its cognizance. A connection between them is injurious to both."

We hope the time is not far distant when the State legislature of Mississippi will wake up from its long sleep, as did Rip Van Winkle, and discover that the people in the United States no longer live back in the good old Puritan times, when husbands were fined and put in the stocks for kissing their wives on Sunday, but that we are now living in the twentieth century, when freedom of religion is a coveted boon.

C. S. L.

## "Breach of Sabbath"

SECTION 13227, Code of Iowa, 1939, provides in part as follows:

"Breach of Sabbath—Exceptions. If any person be found on . . . Sunday . . . or in any manner

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disturbing a worshipping assembly or private family, or in buying or selling property of any kind, or in any labor except that of necessity or charity, he shall be fined."

Certain defendants were charged with violating this law by going "from door to door in the city of Clinton, knocking on the doors and ringing doorbells, arousing persons early in the morning to the disturbance of private families; that they did sell and attempt to sell literature on Sunday."

The persons thus charged were members of a religious organization. The acts of which they were accused occurred between 10 A. M. and 1:30 P. M. Sunday, December 8, 1940. Specifically it was claimed that they had desecrated the Sabbath. In the Clinton municipal court they were convicted. Upon appeal, the supreme court observed that "there was no showing in this case that appellants' acts constituted or incited any breach of the peace." As a matter of fact, that charge was not lodged against them at all. "They were charged only with the offense of desecrating the sabbath." Continuing, the Court said:

"It is contended by the State that the calling upon householders after 10 A. M. on Sunday for the purpose of propagandizing appellants' religious views by spoken and printed words constituted 'disturbing a private family.' The language of this portion of the act is 'disturbing a worshipping assembly or private family.' We need not here determine the exact interpretation to be given this language. The record indicates that at the time of the calls the householders were engaged in eating or other mundane activities. No disturbance of any kind is shown to have taken place. We are not prepared to hold that the calling at private homes in the middle of the sabbath day, however unwelcome the caller may be, in itself constitutes a desecration of the Sabbath.

"The State also contends the distribution of the booklets and occasional receipt of the sum of ten cents constituted 'selling property' within the prohibition of the act. However, appellants were not engaged in selling booklets. The alleged sales were merely incidental and collateral to appellants' main object, which was to preach and publicize the doctrines of their order. Indicative of this was the practice of giving booklets to those unwilling to contribute. Appellants regarded the amounts received as donations, and this was frequently the thought of those who gave money. Appellants were teaching and spreading their religious views without compensation and at their own expense. All receipts from the booklets were placed in a publication fund, which it was necessary to supplement by voluntary contributions to cover the cost of publishing the booklets. The commercial aspect of sales was absent. We do

not think the statute contemplates that the distribution of booklets of this nature and under these particular circumstances constitutes desecrating the Sabbath."

By unanimous opinion the lower court was reversed.

Such cases prove the truth of what has been so often said in the columns of this journal; namely, that religious laws on civil statute books are ready-made weapons in the hands of religious bigots. The editors of *LIBERTY* have had many representatives of a well-known religious sect call at their doors to urge upon them the purchase of religious pamphlets and books. They have sometimes been inclined to be a little irritated by the persistence of their callers, but up to the present they have never felt the need of police aid in helping them to decide whether they wanted to buy or not to buy what was offered. It is a good deal better to suffer a little inconvenience, a bit of annoyance, than it is to demand the enactment of legislation that would throttle any essential liberty.

H. H. V.

## State Requested to Support Religion

**T**HERE ARE SOME well-intentioned religious people who feel that religion ought to be given a chance to exert a greater influence in secular government since our civilization apparently is experiencing a general breakdown. They claim that the civil government has demonstrated its inability to cope with human problems without the aid of religion, and therefore the state ought to encourage the teaching of religion in all state-supported schools; that the state ought to give financial support to religion, so as to make its influence more effective than it could possibly be under the American plan of a total separation of church and state. They claim that the increase of crime and the frequent breaking out of war between the nations are largely due to a lack of religious instruction and the handicaps the state has put on religion when it divorced it from the functions of civil government.

The above argument seems to have met with considerable favor in many religious circles among Catholics, Jews, and Protestants, and unless something is done to enlighten the public on the dangers involved in uniting the church and the state and having the civil government give legal sanction and financial aid to religious teachings and institutions, our American way of life will be doomed, and religious liberty will perish on earth.

Many innovations have already been made in furnishing free transportation and free textbooks to



parochial-school children. Specious arguments are resorted to in justification of free bus transportation to parochial-school children, such as that their parents are paying school taxes, and that there is so much danger involved in children's walking to school on the public highway. As well might we argue that the state ought to transport at public expense all children to the Sunday schools and to church for the same reasons.

But uniting church and state is no new experiment. It has been tried again and again, and has always led to an inquisition, to religious persecution, to the killing of spirituality in the church, and the corruption of both the church and the state. The harm wrought has far outweighed the benefits accruing from such a course. It is high time that all Christians and Jews who are in favor of the American way of life and of religious freedom, take alarm at these encroachments upon our heritage of civil and religious liberty.

C. S. L.

## Mob Action

**T**HE *Plain Dealer* of Cleveland, Ohio, carried a dispatch from St. Clairsville, Ohio, under date of January 26, which told of the gathering of a hostile mob in the little settlement of Maynard, which attacked three automobiles that contained thirteen members of the Jehovah's Witnesses, stoning the cars and shooting one woman with an air rifle.

What a blessed thing it would be if all Americans could remember that we are engaged in a war to preserve the right of all people to a fair trial. Mobs hurt themselves and their communities more than they hurt their victims. When we have to resort to force to meet another's arguments, it is pretty sure to be evidence of the weakness of our position.

We boast of our enlightenment. We claim to have progressed far since Quakers were tied to the tails of carts and whipped out of colonial settlements; since Baptists were stoned in Virginia; since William Lloyd Garrison, an apostle of freedom, was dragged through the streets of Boston. It was a mob that cried, "Crucify Him, crucify Him," when our Lord was on trial. This mob was not willing to wait for the working of the Roman legal procedure. It was a mob that stoned Stephen, the first Christian martyr.

We repeat, mobs are a disgrace. The tyranny of a mob may be even worse than the despotism of an individual. Let Americans scorn mob rule. Let somebody be brave enough to protest against this mean, cowardly procedure. Let's be able to hold our heads up because of our actions when we talk against brutality in other lands.

H. H. V.

## Religious Prejudice Raises Its Head

**T**HE WAYS OF RELIGIOUS PREJUDICE are past all finding out. From many parts of the United States evidence continues to pile up that bigotry is not dead in our land, and that if it were not for the protection given by the courts, many would suffer violent persecution.

We are compelled to say again that we cannot understand the methods of the Jehovah's Witnesses. We have no sympathy with the plans they frequently follow. We often wonder whether anyone could get a true picture of Jesus Christ from some of those who apparently have so little regard for the opinions or the feelings of their fellow citizens. However, we rejoice in the fact that in these United States, even one who wants to be as inconsiderate as many members of that sect are, may be protected in his religious rights, and that the courts refuse to allow the personal feelings of the jurists to sway them from a clear line of duty. When one tribunal lends itself to what might easily deteriorate into unfairness or persecution, relief is generally found in an appeal.

In Fayette County, Indiana, five persons were charged with "unlawfully, feloniously, and purposely" conspiring, combining, and confederating together "for the purpose of doing an unlawful act, to wit, for the purpose of unlawfully, purposely, and maliciously inciting the people of the county of Fayette, in the State of Indiana, against all forms of organized government, and to disrespect the flag of the United States of America, contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Indiana."

These folk had been trying to sell their literature. The jury in the lower court found two of the defendants guilty. They were sentenced to a term of not less than two years or more than ten years in the Woman's State Prison, and a fine of \$500 was assessed against them. When a motion for a new trial was made, it was overruled. An appeal was taken to the supreme court of the State, where, under the decisions cited and under the law, it was found that there is no "statutory offense" that could be defined as "conspiracy to commit a misdemeanor." Again, "the flag-desecration statute" which was invoked was declared to have only a "misdemeanor penalty." If it had been proved that refusal to salute the flag was in violation of the statute referred to, such offense would be a misdemeanor and not a felony; hence the verdict was in error.

In endeavoring to prove a felony, the prosecution had cited certain sections of the law that have to do with a riotous conspiracy. It appears that under this act those guilty of its violation would have to

unite "for the purpose of doing any unlawful act in the nighttime or while disguised." None of the defendants had at any time been disguised. The only "uniting" they did was for the purpose of distributing or agreeing to distribute literature. The statute cited against them did not make such conduct unlawful. If what they did was unlawful, it had to be because the literature itself was unlawful.

The Indiana law that has to do with "Criminal Syndicalism," which was used by the prosecution, says:

"It shall be unlawful for any person to advocate or incite, or to write, or, with intent to forward such purpose, to print, publish, sell, or distribute any document, book, circular, paper, journal, or other written or printed communication, in or by which there is advocated or incited the overthrow, by force or violence, or by physical injury to personal property, or by the general cessation of industry, of the government of the United States, of the State of Indiana, or all government."

With respect to this, the Court said:

"It is not contended that the literature distributed advocates 'physical injury to personal property' or 'general cessation of industry' of any government. The only claim of an offense under this Act is that the literature advocates the overthrow of all human government. If this be conceded, nevertheless it is not shown to advocate or incite such overthrow by the use of force or violence. This is necessary to constitute the offense. The evidence therefore is insufficient to sustain the verdict if it is based on this statute."

Because no felony was shown, it was held that the verdict which assessed the penalty of a felony was contrary to law. This case was tried in the November, 1941, term of court, and on December 8, 1941, the decision was reversed, with instruction to sustain appellants' motion for a new trial.

H. H. V.

## United States Is a Republic, Not a Democracy

**T**HE UNITED STATES is a government of laws, and not a government of men. A pure democracy is a government of men, ruled by the decisions of the majority in all things. The word "democracy," as popularly used, is synonymous with "republic," but formerly no such meaning was attached to democracy. Democracy, in its pure state, is nothing less than mob rule. Whatever the majority wish to do is the law.

A republic has a written constitution which places checks and balances upon all three branches of the

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government, the executive, legislative, and judicial. The constitution is the supreme law of the land, adopted by the people for the protection of all, and especially for the protection of the inalienable rights of the individual, which no government has a right to abridge.

In a pure democracy the will of the majority is the law whether it refers to man's relationship with man or his relationship to God and religion. A pure democracy rules all men in all things without checks or balances and without any limitations on the legislative powers. The state is supreme in all things, both secular and spiritual, political and religious. The individual possesses no rights of his own that the majority may not take from him. The tyranny of the majority in a pure democracy is no sweeter than the tyranny of one tyrant in a despotism.

In a democracy the people themselves make all the laws by a direct referendum vote, and there are no limitations placed upon their legislative powers, whereas in a republic the laws are largely enacted by the representatives of the people who are subject for their conduct and actions to the people and to a constitution which places definite checks and balances upon their powers and functions.

George Washington, in his Farewell Address to the American people, very clearly set forth the supremacy of the Federal Constitution, when he said:

"The Constitution which at any time exists, until changed by an explicit and authentic Act of the whole people, is sacredly obligatory upon all."

The majority of the people of the United States can change and alter our Constitution by due process of law, but the majority of the people cannot override or nullify the Constitution on the spur of the moment by popular whim or caprice without due process of law.

Abraham Lincoln, who faced mob rule and chaos by overwhelming majorities in the Southern States, very emphatically upheld the constitutional limitations which the founding fathers placed upon majority rule in government, when he said:

"A majority held in restraint by constitutional check and limitation, and always changing easily with *deliberate changes* of popular opinions and sentiments, is the *only true sovereign* of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism."

If the Constitution is changed, as Lincoln said, it must be a "deliberate" change by the people according to legal processes, and not a rash and hasty change.

The Constitution itself keeps Congress from enacting laws controlling the actions of men in religious matters, or from enacting laws to interfere with the natural and inalienable rights of the individual

which are his by nature, so long as the individual respects the equal rights of his fellow men. In this realm the conscience of the individual is supreme, and no majority, however numerous, has the right in justice to invade that sacred domain—the citadel of the soul. Here is where the American Constitution in a Republic, with the Supreme Court acting as an impartial umpire on constitutional interpretations, protects all people in the unmolested enjoyment of God-given rights which no majority has a right to infringe by legislative act or court decision. Here the Constitution binds all, even the majority of the people, which is impossible under the rule of a pure democracy.

C. S. L.

## True Americanism

**A**MERICA STANDS for the equal protection of all men before the law. The justice meted out by the law is impartial. It is blind to the color of your skin, it asks not the place where you were born, nor the language you speak, nor the religion you profess, nor the strain of blood in the veins of your ancestors. America is the crucible in which flows the blood of all nations, and transforms them into free men, where all men stand on the same equality before the bar of justice. The free exercise of the conscience reigns supreme above all governmental authority in religious matters, in times of peace and in times of war, so long as the individual respects all civil laws and the equal rights of his fellow men. That is true Americanism as conceived by the founding fathers of the American Republic.

C. S. L.

## The New Jefferson Memorial in Washington

**O**UR cover for this issue presents a view of the new Memorial to Jefferson that is just being completed in Washington, D. C. It is located on the south side of the Tidal Basin, fringed by flowering cherry trees.

This Pantheonlike structure was designed by John Russell Pope. Mr. Pope died, however, soon after the building got under way, and the work was taken over by the firm of Eggers and Higgins. Beneath the dome will stand a large statue of Jefferson, towering twenty-four feet in height. This will be sculptured by Rudolph Evans.

It was planned to dedicate the building sometime this spring, but this ceremony has been postponed because of the war.

It is very fitting that at long last a memorial is being erected to the Sage of Monticello.

Thomas Jefferson, the third President of the United States, chose to be remembered, according to papers written by himself and found after his death, as the author of the Declaration of Independence and of the Statute of Virginia for Religious Freedom, and father of the University of Virginia.

## SPARKS From the Editor's Anvil

WHEN religion accepts error for truth, it may gain adherents, but it loses its virtue.

WHEN a state values its citizens only as channels of power, it reduces them to the level of slaves.

A REPUBLIC cannot be preserved by declaring a moratorium on republics in times of emergencies.

LIBERTY cannot survive when one body makes, judges, and administers the laws.

DEBTS and taxes impair our liberties in the same proportion as they increase.

MUCH that passes for Christianity is incapable of redeeming the lost.

SOME preachers take the glad tidings out of the gospel by preaching sermons of hate and intolerance.

A CHURCH which enters the political arena to further her own ends commits spiritual suicide.

HE never goes astray who rejects a church creed based on force instead of the love of God for sinners.

LIBERTY itself imposes restraints upon all who desire to enjoy its blessings.

THERE can be no happiness without liberty and no liberty without undaunted courage.

TRUE liberty is the freedom to advocate the truth as I see it and as my opponents see it.

THE person who thinks he never acted the part of a fool, fools no one but himself.

SUCCESS does not come to you on a silver platter, but through perseverance and toil.

A CRIMINAL is one whose spiritual growth was dwarfed by unfortunate experiences.

EVERY liar who stabs the truth also stabs himself and society.

UNITY of purpose does not necessarily mean unanimity of thought.

AMERICAN liberties are in far graver danger from the borers, sappers, and miners working inside our Republic than from all our foreign enemies on the outside.



FREEDOM can be preserved only as the rights of free men are respected.

A DEMOCRACY may commit political suicide, but its spirit never dies.

THE essence of democracy is not the spirit of tyranny, but the breath of personal liberty.

AN intelligent citizenship is absolutely necessary if the people are to remain the rightful sovereigns of their government.

MAN is the crowning work of God; and character, not wealth or position, is the greatest thing about man.

HE who is unable to conquer his own spirit is the lowest of slaves.

As long as America rears some of its children in tenements and the gutter, our prisons will be filled with juvenile criminals.

A HUNGRY stomach unsatisfied creates a topsy-turvy brain and makes it an easy prey to the isms of revolution.

YOUR value to society is determined not by what you get out of the world, but by what you put into it.

ALL our troubles in the world arise because we feel foot-free to violate the golden rule, while we demand others to live up to it.

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## What True Americans Say

### Now or Never

"Now or never is the time for every virtuous American to exert himself in the cause of liberty and his country; and that it is become a duty cheerfully to sacrifice the sweets of domestic felicity to attain the honest and glorious end America has in view."  
—George Washington.

### Free and Independent

"If I have a wish dearer to my soul, than that my ashes may be mingled with a Warren and a Montgomery, it is that these American States may never cease to be free and independent."  
—John Adams.

### Essential Liberty Vs. Temporary Safety

"THOSE who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."  
—Benjamin Franklin.

### Guard and Defend Liberty

"God grants liberty only to those who love it, and are always ready to guard and defend it."  
—Daniel Webster.

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## Give Me Liberty

"Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death."  
—Patrick Henry.

## Light and Freedom

"EVEN should barbarism and despotism again obscure the science and liberties of Europe, the United States would remain to preserve light and freedom, and restore them to the Old World."  
—Thomas Jefferson.

## Religion and Civil Government

"RELIGION is not in the purview of human government. Religion is essentially distinct from civil government and exempt from its cognizance. A connection between them is injurious to both."  
—James Madison.

## Government of the People

"THAT this nation, under God, shall have a new birth of freedom and that government of the people, by the people, and for the people, shall not perish from the earth."  
—Abraham Lincoln.

## Freedom to Speak

"I HONOR the man who is ready to sink  
Half his present repute for the freedom to  
think,  
And when he has thought, be his cause strong  
or weak,  
Will risk t'other half for the freedom to speak,  
Caring not for what vengeance the mob has in  
store,  
Let that mob be the upper ten thousand or  
lower."

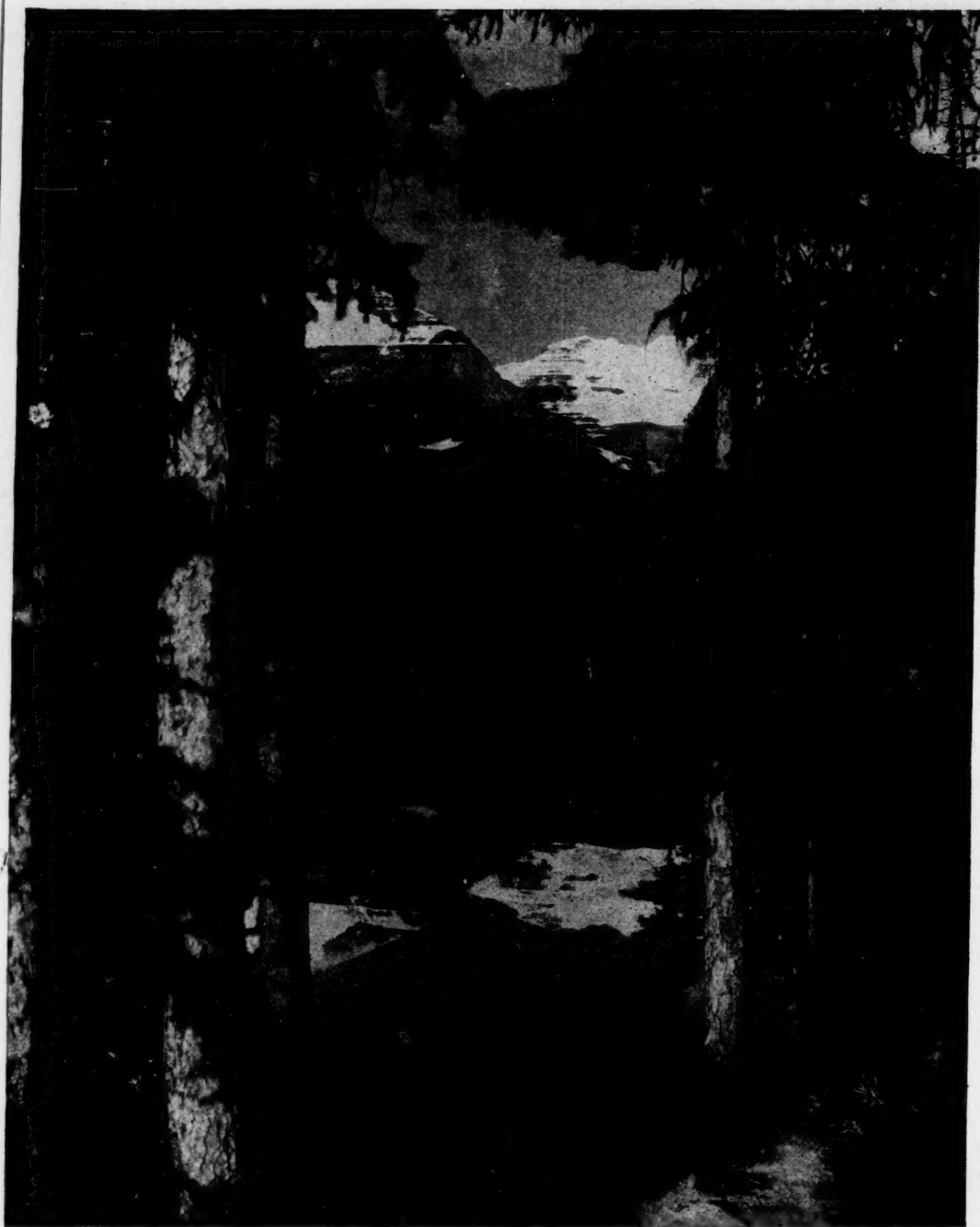
—James Russell Lowell.

## Stability

"THE world can be at peace only if its life is stable, and there can be no stability where the will is in rebellion, where there is not tranquillity of spirit and a sense of justice, of freedom, and of right."  
—Woodrow Wilson.

## Racial and Religious Intolerance

"WHAT a magnificent opportunity to put racial and religious intolerance where it belongs—on the dump heap of prejudices destroyed by common sense."  
—Dr. Malcolm S. MacLean, President, Hampton Institute.



COURTESY, CANADIAN PAC. RY.

#### A VIEW OF BEAUTIFUL LAKE LOUISE, IN THE CANADIAN ROCKIES

The majestic, unmovable mountains pictured in this magnificent Canadian scene symbolize the sturdy, worth-while qualities of our neighbor to the north, with whom we have dwelt in peace for so many years. With a common boundary stretching across the full width of our continent for over three thousand miles, there has never been a thought of a Maginot line, nor even a less complete series of fortifications. Lovers alike of liberty and together esteeming the rights of men, our friendship, that has lasted since the beginning of our nation, has grown stronger in recent years as our common aims and purposes in life have come to be threatened. We would that the same peaceful relations that we have enjoyed might be manifest in the intercourse of all other nations who live in such close proximity to one another.

